

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9717 OF 2015**Nitin Manohar Sarode and others Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.G.V.Wani, advocate for the petitioners.
 Mr.Y.G.Gujrathi, A.G.P. for the State.
 Mr.A.S.Bajaj, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
 K.L.WADANE, JJ.**
Date : 18.01.2017.

PER COURT :

1. Heard.
2. Mr.Wani, learned counsel for the petitioners submits that the percentage of the petitioners was calculated out of 750 marks. The State Board of Secondary and Higher Secondary Education, changed the pattern of issuing marks-sheets and percentile method was adopted, wherein the percentage of the candidate is calculated on the basis of the marks obtained in five best subjects. The learned counsel submits that the corrigendum was issued by the Respondent No.2. It specifically mentions that all the candidates shall rectify their applications for seeking job and the percentage

obtained in aggregate should be filled in. In view of that all the candidates were required to rectify and show their percentage on aggregate basis. Many of the candidates did not carry out the corrections and kept the percentage as it is i.e. under the percentile system and got an undue advantage. According to the learned counsel, even written representation/notice was given by the petitioners to the Respondents, however, no cognizance has been taken about the same. The petitioners are deprived of the employment, even though they are eligible for the same.

3. Mr.Bajaj, learned counsel for the Respondent No.2 submits that though after the corrigendum , some of the candidates did not correct their percentage, the Respondent decided to correct it manually the percentage on aggregate basis while selecting the candidate. The Circular to that effect was also issued. The person in the petition i.e. Mr.Zope, in his case the percentage was corrected on aggregate basis and still, he get selected on merit. He secured 79.69 % even if percentage is calculated on aggregate basis and the last candidate from open category has secured 74.77 %.

4. We have considered the submissions. Considering the affidavit filed by the Respondent, it is manifest that the Respondent has manually corrected the percentage even in respect of those candidates who have shown percentage on the basis of percentile system. In view of that, it can not be said that the petitioners were

prejudiced or their interest was adversely affected. It appears to be a case of fair competition and students whose percentage in the mark-sheet was calculated on percentile basis, can not be said to have got undue advantage, more particularly, when the Respondent has calculated their percentage on the basis of aggregate marks.

5. In light of the above, no case for interference is made out. The Writ Petition as such is dismissed. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.18.01.2017.
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