

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 12536 OF 2015

**PRATAPSINGH TAHALSINGH PUJARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr.Biradar R.D.
AGP for Respondents 1 and 2 : Smt. M.A.Deshpande
Advocate for respondent nos. 3 to 5 : Mr.
U.B.Bondar

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 6th MARCH, 2017

O R D E R :

Mr. Biradar, learned counsel states that the petitioner had raised objection with regard to the marks given in respect of Question Nos. 28 and 35. The objection raised by the petitioner regarding Question No. 28 is accepted by the respondents. However, with regard to Question No. 35, the respondents have erroneously given marks to respondent no.6. The petitioner had correctly answered the Option 'B', however, the petitioner has not been given any marks and the respondent no.6 had answered Option 'C' which is wrong answer, still has been given marks for it. The

petitioner is given 174 marks; whereas respondent no.6 is given 176 marks. If the correct marks are given to Question no.35, then the petitioner would be entitled for selection in place of respondent no.6. Learned counsel relies on the extract from the Grammer Book to substantiate his contention.

2. Mr. Bondar, learned counsel for respondent authority submits that as per the answer key corrected by the experts, 'C' is the correct option for Question no.35 and considering the same marks are given.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. Question No.35 is as under :

" पृश्न 35 - मी : आम्ही :: तिने :

A) त्यांजशी B) त्यांची C) त्यांनी D) तिची "

5. The experts have given 'C' as a correct

option. This Court cannot sit over the decision of the expert, as this Court would not possess necessary expertise as that of the expert in literature. The answer as shown to be correct by the expert will have to be considered. It is not that the case of the petitioner is not considered by the expert. Some of the objection has been upheld.

6. As per the expert's opinion, 'C' is right option for Question No.35. It will not be possible for this Court to substitute the views of the expert. In view of the above, the contention of the petitioner cannot be accepted.

7. Writ Petition, as such, is disposed of.
No costs.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)