

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.739 OF 2016**

Nikhil Krishna Sahakari,
major of age, Indian National,
House No.206, Mestaswada,
Curti, Ponda, Goa 403 401,
represented by his attorney,
Mr. Krishna A. Sahakari,
major of age, Indian National,
resident of F-17, 1st Floor,
Angarika Bldg., Ponda, Goa.

.... Petitioner

V/s

- 1 The State of Goa,
through Chief Secretary,
Government of Goa,
Secretariat, Porvorim,
Bardez, Goa.
- 2 Director of Higher Education,
Directorate of Higher
Education, D.T.E. Complex,
Porvorim, Bardez, Goa.
- 3 Charmaine E. Rodrigues,
major of age, student,
H.No.866, Sonarbag, Usgao,
Ponda, Goa 403407
- 4 Amrita Acharya,
Major of age, student,
C-002, Raj Madhurangan,
Near Football Ground,
Mardol, Goa 403404.
- 5 Yograj Purushottam Mantri,
Major of age, student,

Flat No.002, Mathura,
Nandanvan Complex, Tonca,
Caranzalem, Panaji, Goa 403
002.

- 6 Bhargav Madusudan Joshi,
major of age, student, A 104,
Raj Excellency,
Rambhuvan Vado,
Raibander, Goa 403 006.
- 7 Ivan Jose S. Rodrigues,
major of age, student,
H.No.677, Fradilem, Navelim,
Salcete, Goa.
- 8 Siddesh Vinayak Wadikar,
major of age, student, House
No.64/1, Mini Satellite
Township, Colvale Housing
Board, Colvale, Goa.
- 9 Shraddha K. Sawardekar,
major of age, Gurukrupa, 4,
Shantinagar, Ponda-Goa.
- 10 Ejaz Salim Veljee,
major of age, student,
C-209, AltessMauov,
Coop. Housing Society,
Caranzalem, Goa 403 002.
- 11 Saineel Sanjay Prabhudessai,
major of age, student, F-3,
Building A-2, Kurtarkar
Modern Homes, Aquem,
Baixo, Navelim, Salcete, Goa
403707.

- 12 Susana Maria Quadros,
major of age, student, House
No.23K, Mattol, Verna,
Salcete, Goa.
- 13 Yashank Arun Sakhardande,
major of age, student, F-C3,
Bapsin Residency, Near
Electricity Department,
Ansabhat, Mapusa, Goa.
- 14 Saish Santosh Redkar,
B/6, Seagull Apts., Bernardo
Guedes Rd., Panaji, Goa.
- 15 Gaurav G. Shenoy @
major of age, student, House
No.267/4, Gayatri, Corlim,
Molar, Corlim, Goa.
- 16 Nandini Sharrel Menon,
major of age, student, Plot
No.7, next to SkLCETE,
Chinmaya Mission Road,
Gogol, Margao.
- 17 Rahul D. Prabhudessai,
major of age, student, C-1,
Shamiana Appts., Comba,
Margao, Goa.
- 18 Neils Alvaro Menezes,
major of age, student, House
No.682, Saleria, Goa Velha,
Tiswadi, Goa 403108.
- 19 Esha Ashesh Keni,
major of age, student, House
No.729, Godavari, Nr.

Damodar H. Sec., Aquem Alto,
Margao, Goa.

20 Farcia Celine Soares,
major of age, student, 522/9
Karma Royale, Caranzalem,
Goa 403 002.

21 Richa Tatoba Patil,
major of age, student,
“Kshitij”, Behind Almeida
High School, Khadapaband,
Ponda, Goa 403 401.

22 Neeti Bandodkar,
major of age, student, G/1,
Models Paradise, Tonca,
Caranzalem, Goa 403 002.

.... Respondents

Shri A.F. Diniz, Advocate for the Petitioner.

Shri Dattaprasad Lawande, Advocate General with Ms. Amira Razaq,
Government Advocate for the Respondents No.1 & 2.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 27th June, 2017

ORAL JUDGMENT : (Per F.M. Reis, J.)

Heard Shri A.F. Diniz, learned Counsel appearing for the petitioner and Shri Dattaprasad Lawande, learned Advocate General appearing for the respondents no.1 & 2.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the respondents no.1 & 2 waives service.

3. The petitioner challenges the assessment by the respondents to avail of the Scheme for Selection of “Goa Scholars” to pursue higher education in reputed institution in India and abroad.

4. Shri A.F. Diniz, learned Counsel appearing for the petitioner has pointed out that the petitioner stood 2nd in the Xth standard examination securing 92.66% and obtained over 75.70% for the graduation and excelled himself in his curriculum and academics throughout his scholastic year. It is however pointed out that as the petitioner wishes to carry out his further studies in IIM, Raipur, the petitioner applied for the said scheme to avail of the scholarship under such scheme. The learned Counsel points out that the petitioner was shocked that inspite of his excellence scholastic academics he was denied the scholarship and as such sought information under the Right to Information Act and found that he was wrongly assessed. It is the contention of the learned Counsel that in the S.S.C. examination the petitioner had obtained 92.66% whereas in the graduation examination he had obtained 75.70%. The learned Counsel has thereafter pointed out that for obtaining such percentage he has been awarded a weightage of 75.70% instead of 80.07%. The learned Counsel has thereafter taken us through the weightage given to his performance in the Xth standard examination

wherein according to the petitioner he stood second in rank and as such he was entitled to be given a weightage of 2.4 for such achievement. The learned Counsel points out that the petitioner has been given nil weightage for such performance. It is further pointed out that the petitioner was also successfully awarded 2nd Runner Up by the 8th Pan Pacific Abacus & Mental Arithmetic competition and distinction in Australian National Chemistry Quiz and for such achievement the petitioner was entitled for additional weightage of 2.4 which has been denied to the petitioner. The learned Counsel also pointed out that even for the other remaining two heads the petitioner has been denied a proper assessment merely because the petitioner was pursuing his education at the IIM in India and not abroad. The learned Counsel further pointed out that according to the petitioner even Universities which have less ranking than the one opted by the petitioner a higher weightage has been given to the other candidates. The learned Counsel has also brought to our notice that the weightage for ranking given to the other candidates has been wrongly denied to the petitioner. The learned Counsel, as such, submits that the assessment itself is contrary to the terms specified by the respondents no.1 & 2 which calls for interference by this Court.

5. On the other hand, Shri Dattaprasad Lawande, learned Advocate

General submits that no weightage was given to the petitioner on account of his ranking, as no certificate was produced from the Board or from the concerned school. The learned Advocate General further points out that as far as the contention of the petitioner that erroneous weightage has been given in the marks obtained for graduation, the learned Advocate General submits that the manner in which this calculation has been arrived at is a matter to be fixed by the experts. The learned Advocate General further points out that as far as the claim of the petitioner that he is entitled for extra points on account of the awards obtained from international institutions, such institutions have not been recognised by the State Government to avail of such points. The learned Advocate General further points out that as far as the challenge to the heads at item nos.3 & 4 is concerned the respondents have rightly assessed such heads on the basis of material on record by the expert which was given such exercise at the instance of the State Government. The learned Advocate General, as such, points out that this Court cannot sit in appeal on the decision of the experts on this aspect. As such, such ground deserves to be rejected.

6. We have considered the submissions of the learned Counsel and gone through the records. No doubt the petitioner appears to be

academically successful in his career since the time he passed his S.S.C. Examination. Prima facie on going through the contentions raised by Shri Diniz, learned Counsel appearing for the petitioner, we find that merely because the certificate for ranking was not obtained from the University or the Board or the School, the respondents no.1 & 2 were not justified to refuse the said weightage without asking the petitioner to produce such certificate, if so necessary. Apart from that Shri Diniz has brought to our notice that there is an error in the points assessed on account of the marks obtained by the petitioner at the time of graduation. As far as this aspect is concerned, the learned Advocate General points out that if the certificate is obtained from the School or the Board, to that effect the State Government will reconsider the case of the petitioner. As far as the dispute with regard to the weightage awarded based on the achievements in international institutions, we find that this aspect will have to be reexamined by the State Government on the basis of the material produced by the petitioner in the facts of this case in accordance with the norms set for such purpose to other candidates. As far as the grievance of the petitioner with regard to the heads at item nos.3 & 4 are concerned, we find that considering the view taken with regard to the other contentions of the learned Counsel for the petitioner such aspects are left open, if at all they so arise to be examined in accordance with

law.

7. In view of the above, we pass the following order:

O R D E R

(i) The respondents no.1 & 2 are directed to reconsider the case of the petitioner for awarding the scholarship in terms of the said Scheme for Selection of “Goa Scholars” afresh in the light of the observations made herein above and in case the petitioner comes within the first 20 in the list thereby prepared such scholarship shall be granted to the petitioner without distributing the scholarship already granted to the respondents no.3 to 22.

(ii) Liberty to the petitioner to file additional documents, if any, within six weeks. The respondents no.1 & 2 to take the decision four weeks thereafter.

(iii) Rule is made absolute in the above terms.

NUTAN D. SARDESSAI, J.
NH/-

F. M. REIS, J.