

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO. 24027 OF 2017

Gandhi Himani Rajesh ...Petitioner
Versus
State of Maharashtra and another ... Respondents

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Mr. Nagraj Sudam Shinde for the Petitioner.
Mr. A.P. Vanarse, AGP for Respondent No.1.
Mr. Kaustubh N. Marathe for Respondent No.2.
Mr. P. J. Funde-Authorised Representative for Respondent No.2
present.

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**CORAM : ANOOP V. MOHTA AND
SMT. BHARATI H. DANGRE, JJ.**

DATE : 21st SEPTEMBER, 2017.

FINAL ORDER :

1. The Petitioner had appeared for 10th standard-SSC examination in the month of March-2017 and the result was declared in the month of June-2017. The Petitioner has secured 97.20% marks. The Petitioner has obtained a copy of the answer sheets from the Board of Secondary and Higher Secondary Education, and on perusal of the same, she noticed that the examiner had awarded 40 out of 40 marks but the moderator had reduced it to 39. This was done without following the conditions in Model Answer and Scheme of Marking.

2. Being aggrieved by the said action of deduction of one mark, the Petitioner approaches this Court by filing the present Petition. Along with the Petition the Petitioner annexed the copy of answer sheet. On perusal of the answer sheet, it is very apparent that in question No.5 sub clause (ii) and (iii) the marks allotted by the valuer are 8. However, the Moderator had corrected/reduced it to $4+3=7$. On perusal of the answer sheet, it is very apparent that the calculation is erroneous and in fact, every sub-question and point was valued and allotted the marks by the valuer.

3. We had issued notice to the Respondent No.2 and they have put their appearance before us through their Counsel. Today, during the cross of hearing the learned Counsel appearing for Respondent No.2 has admitted before us that one mark has been reduced inadvertently and there is no intention to deprive the Petitioner by one mark which was in fact allotted to her by the valuer. However, the learned Counsel for Respondent No.2 states before us that they would rectify the error immediately and issue revised mark-sheet to the Petitioner within a period of three working days, on application being made by the Petitioner. It is

also submitted by the Counsel for the Board that the Petitioner will have to make an application along with the answer-sheet and would also submit the mark list for rectification, on which the Respondent No.2-Board would act forthwith.

4. In view of this statement the Petitioner undertakes to surrender her original mark-sheet and the certificate issued by the Board, so that necessary corrections in both these documents can be carried out by the Board. Learned Counsel for the Petitioner submits that he would comply with the necessary requirements as required by the Board by tomorrow, upon which the Board would do the needful and issue revised mark-sheet and certificate within three working days.

5. In view of the aforesaid submissions made by the Counsel for Respondent No.2-Board, the grievance of the petitioner does not survive. The Writ Petition is therefore allowed and disposed of.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)