

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3378 OF 2017**

Saurabh Gokul Shelar	..Petitioner
Versus	
Vice Chancellor, University of Mumbai M. G. Road, Fort, Mumbai-400 032 and others	..Respondents

**Mr. Ashraf Ahmed Shaikh, Advocate for the Petitioner.
Mr. Rui A. Rodrigues a/w Mr. Asadullah Shaikh, Advocate for
Respondent Nos.1 to 3.**

**CORAM : B. R. GAVAI &
B. P. COLABAWALLA, JJ.
DATE : 12th DECEMBER, 2017**

P.C.

- 1]** Rule. Rule made returnable forthwith. Heard by consent.

- 2]** The Petitioner has approached this Court with a grievance that he has been allotted meagre marks in the subject of Design of Mechanical Systems (DMS) in the VIII Semester examination of Bachelor of Engineering (Mechanical).

- 3]** It is not in dispute that the Petitioner's main answer sheet for the said subject is lost by the University. It is also not in dispute that the Petitioner has been given 12 marks for the said subject on the basis of evaluation of the answers given by him in the supplement which fortunately is not lost.

- 4]** We find that the action of the Respondent is totally unjust. It

is some officers or examiners of the University on account of whose negligence the main answer sheet of the Petitioner is lost. The Petitioner cannot be penalized on account of mistake committed by some officers or the examiners of the University.

5] In the peculiar facts and circumstances of the case, we find that it will be in the interest of justice that the Respondent – University is directed to allot an average of the marks obtained by the Petitioner in remaining subjects. We find that if that is done, that will reflect the real merit of the Petitioner in the subject of which the main answer sheet is lost.

6] The Petition is therefore allowed. Rule is made absolute by directing the Respondents to allot the Petitioner an average of the marks secured by him in other subjects, to the subject called Design of Mechanical Systems (DMS).

7] Needless to state that a revised Mark Sheet would be issued to the Petitioner after the aforesaid exercise is complete. The same shall be done within a period of two weeks from today.

8] Parties to act upon an authenticated copy of this order.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]