

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10141 OF 2017

Sonali Ramchandra Jadhav

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Arvind R. Kawade, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 4.

Shri Sambhaji S. Tope, Advocate for Respondent No. 2.

Shri Balbhim R. Kedar, Advocate for Respondent No. 3.

WITH

WRIT PETITION NO. 10282 OF 2017

Siddiqui Mohd. Sayeeduddin and others

.. **Petitioners**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Shrikrashna B. Solanke, Advocate for the Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

Shri S. G. Chapalgaonkar, Advocate for Respondent No. 3.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **24th January, 2018**

PER COURT :

1. The petitioners in both these writ petitions are the students of 4th year B.E. (Civil) course. They had appeared for

the examination conducted in April-May, 2017. The grievance of the petitioners is that the result has not been declared.

2. Pursuant to the notice issued, the affidavit is filed by the Police Inspector, Special Branch, Aurangabad City, District Aurangabad. It is stated in the affidavit that the crime is registered at Police Station Harsool bearing Crime No 75 of 2017 under Sections 420, 107, 109, 114, 120 (B) read with 34 of Indian Penal Code along with Sections 3 (2), 4(2), 5(2), 6 and 8 of The Maharashtra Prevention of Mal-practices University, Board and Specified Examination Act, 1982 against 33 accused including some of the students of the 2nd year Engineering studying in the Sai Institute of Engineering and Technology College at Chowka, Taluka Phulambri.

3. It is further stated in the affidavit that on 17.5.2017, the raid was conducted at the house of a sitting Corporator at Plot No. 4, Surewadi, Harsool, Aurangabad and about 23 students studying in 2nd year engineering were found on the spot illegally writing the answer sheets and also 5 accompanying who were helping them to write their answer sheets illegally. One professor namely Mr. Vijay Keshavrao Andhale and the owner of the house i.e. Corporator Mr. Sure were apprehended. The other persons were also booked as stated in the affidavit.

4. It is further stated that, out of the bunch of 25 answer

sheets 21 answer sheets were found to be of final year second Semester (Civil) Construction Management, Paper No. P (251) and 5 answer sheets were of second year Civil Engineering. This 25 answer sheets were a separate bunch of answer sheets which were found on the spot.

5. Mr. Karlekar, learned A.G.P. submits that statement have also been recorded and it has transpired that out of 21 answer sheets of the final year second Semester (Civil) found on the spot, four students of final year engineering had approached the professor. Those four students as per the affidavit are - [1] Atish Pandit Dukale, [2] Najed Rahim Mogal, [3] Shivraj Pandurang Tupe and [4] Sevanand Ramrao Munde.

6. It would *prima facie* appear from the affidavit filed and as stated by the learned A.G.P. on instructions that, these petitioners are not involved in the said offence. They are not added as accused nor any imputation is leveled against them. Except answer sheets of those four persons of 4th year, remaining 17 answer sheets would not form muddemal, as there are no offence made out against these 17 answer sheets out of 21 of the final year.

7. There will be no propriety in withholding the result of these students, who even according to the respondents were not found indulging in any mal-practice.

8. These petitioners who are not concerned with the said crime cannot be made to suffer for no fault of their's and put their career in jeopardy.

9. Considering the above, the respondents shall release the 17 answer sheets out of 21 of the 4th year B.E.(Civil) students, retaining the answer sheets of the 4th year students of the B.E. (Civil) against whom offence is also registered. The University shall take steps to evaluate the said answer sheets and if there is no other impediment declare the result of these petitioners.

10. The writ petitions are accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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