

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

WRIT PETITION NO. 14765 OF 2017

Nilesh Namdev Arke and anr.

.. Petitioner

Versus

The Director, Board of College and
University Development, Dr. B.A.M.U.
Aurangabad and anr.

.. Respondents

Mr P.A. Kulkarni, Advocate for petitioner

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

DATE : 23rd February 2018

PER COURT

1. Mr Kulkarni, learned Advocate for petitioner submits that the Ph.D. entrance examinations were held. As per the instructions, for every four wrong answers, one mark was to be deducted and the candidate should qualify 50% marks each in Research Methodology and Core Paper, failing which he shall not be eligible for qualifying Ph.D. Entrance Test. The petitioner had secured 25 marks. The petitioner is not from Scheduled Caste category. The other universities did not prescribe negative marking. In view of this, the respondents again published the list of marks without resorting to negative marking. The second list could not have been published, because negative marking was prescribed, many of the students would not attempt the questions which they were not confident. The practice adopted was erroneous.

2. We would have appreciated the arguments of the learned Advocate for the petitioner had the petitioner qualified in the first list. Naturally, once in the advertisement, a particular procedure is prescribed, the respondents have to adhere to that procedure and they cannot in the midst change the procedure. It is well settled that once the game is played, rules of the game cannot be changed.

3. Further, we find that the petitioner has not secured minimum eligibility 50 marks either in the first list or in the second list.

4. In light of the above, writ petition is dismissed. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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