

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3535/2018.

Ms Akansha Vinod Nitnaware

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND Z.A. HAQ, JJ.

DATE : JULY 02, 2018.

Heard Shri N.S. Deshpande, learned Counsel for the petitioner, Ms. K.R. Deshpande, learned A.G.P. for respondent Nos. 1, 2 and 4 and Shri C.S. Kaptan, learned Senior Counsel with Shri P.S. Chawhan, learned counsel for respondent no.3.

2. The matter is under consideration of this Court since 25.06.2018. Contention of petitioner that her performance as reflected in mark-list downloaded by her initially (page no.16 of Writ Petition) and her ranking in the Provisional State Merit List, has been unauthorizedly and illegally altered, calls for

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consideration. She has attempted to point out that mark-sheet on site has been substituted by other mark-sheet, in which her total marks are shown less and Provisional State Merit List has also been substituted on site.

3. Respondent no.3 has filed an affidavit stating that mark-sheet relied upon by the petitioner and State Merit List allegedly prepared on its basis appears to be not genuine and they have produced genuine documents as also OMR sheet signed by the petitioner to bring on record the truth. Learned Senior Counsel appearing on behalf of respondent no.3 submits that OMR shows that petitioner has not secured total 535 marks out of 720, and the marks reflected in correct mark-sheet as 110, are supported by it.

4. Shri Kaptan, learned counsel for respondent no.3 has drawn our attention to the possible interpolations in the mark-sheet by pointing out how in page no.25 the figures showing less marks appears to have been altered to her advantage, by petitioner. He further submits that petitioner has not disputed her signatures on OMR sheets.

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5. After hearing the respective counsel, we find that even if 535 marks out of 720, as claimed by the petitioner are presumed to be correct, her percentile does not work out to 99.413517. Respondent no.3 has produced before us relevant list to show how students who have actually scored 535 marks have got a different percentile.

6. Not only this, even in Scheduled Caste category in which, in mark sheet produced by the petitioner, she is shown at Category Rank 75. According to respondent, the category rank with 535 marks would have to be different. Respondent no.3 has demonstrated that candidates with 563 marks are at category rank 75.

7. Shri Deshpande, learned counsel for petitioner has in reply arguments urged that percentile calculation has some technical facets and it may also depend upon the petitioner being a girl student.

8. We find from records produced by respondent no.3 that the percentile and score shown in mark-sheet claimed by the petitioner to be genuine, cannot be sustained. The OMR mark-sheet which is not disputed, needs to be accepted and it supports the

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mark-sheet which petitioner claims that she has downloaded later. This later mark-sheet also supports State Provisional Merit List. The earlier list produced by the petitioner on the basis of her mark-sheet is disowned by respondent no.3. The mark-sheet relied upon by respondent no.3, correct merit ranking as per marks 535/720 or then the placement in the category of Scheduled Caste candidate with 535 marks, put before us by respondent no.3, all show incorrectness in the assertions of petitioner.

9. In this situation, we find no substance in the petition. It is accordingly dismissed. No costs.

JUDGE**JUDGE**

Rgd.