

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

110. WRIT PETITION NO. 1344 of 2019

Vijaya D/o Sampat Dive

...Petitioner

VERSUS

Yashwantrao Chabvan Maharashtra Open University,
Nashik & another

...Respondents

Mrs. Uma S. Bhosale, Advocate for petitioner

Mrs. Ratna R. Mane, Advocate for respondent No.1

Mr. Rahul R. Karpe, Advocate for respondent No.2

CORAM : S.V. GANGAPURWALA
AND
AVINASH G. GHAROTE, JJ.

DATE : 9th December, 2019

PER COURT :

1. Grievance of the petitioner is about non-declaration of the result. According to the petitioner, the petitioner has taken admission with respondent No.2 for completing B.A. Course from Scheduled Caste category. It is the contention of the petitioner that the petitioner has applied online by filling Admission Form for B.A. third year and also paid requisite admission fee. However, the petitioner did not receive the Examination Hall Ticket. The petitioner approached the respondent. The petitioner was directed to give an undertaking and was allowed to appear for the examination. After the petitioner appeared for the examination, the

petitioner was expecting the declaration of the result. The result was not declared and, as such, the petition is filed. According to Mr. Karpe, learned Counsel for respondent No.2, the respondent has sent all the answer sheets of all the kinds including that of the petitioner to respondent No.1 by different communications through courier. Petitioner was the 11th hour student. Same is also reflected in the communication made by petitioner and the undertaking submitted. It is for respondent No.1 to declare the result.

2. The learned Advocate for respondent No.1 submits that the petitioner and respondent No.2 claim that the petitioner is 11th hour student. However, same is not borne out from the facts. After great efforts, respondent No.1 could trace out only three answer-sheets of the petitioner. The 11th hour student is one Mrs. Vidya Kshirsagar and not the petitioner. Many discrepancies are appearing.

3. We had directed respondent No.1 to file additional affidavit explaining all these aspects. Additional affidavit is filed by respondent No.1.

4. The learned Advocate for respondent No.1 submits that respondent No.1 would appoint the Fact Finding Committee in respect of petitioner's case and the said report would be submitted within six months.

5. Respondent No.1 may appoint the Fact Finding Committee with regard to the grievance of the petitioner and about the submission of answer-sheets of the petitioner by respondent No.2 or otherwise. The Committee shall submit its report within a period of three months from its appointment. Considering the report of the Fact Finding Committee, respondent No.1 shall take further steps immediately.

6. In case the Fact Finding Committee report is not in favour of the petitioner and/or the respondent, then liberty to them to take appropriate steps.

7. The writ petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

Madkar