

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

28 WRIT PETITION NO.5979 OF 2018

JITENDRA YADAV GAWAI
VERSUS
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Mr. Shermale h/for Dr.
Tawshikar Swapnil D.

AGP for Respondents State: Mrs. V. N. Patil-Jadhav
Advocate for Respondent Nos.1&2:Mr Sanjeev B. Deshpande
Advocate for Respondent No.3 : Mr. V.P. Golewar

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

DATE : 14th February, 2019

PER COURT :

1. Learned Advocate for the petitioner submits that the petitioner has been given 0 marks in Marathi subject. The petitioner had appeared for the examination and answered the questions. However, it appears that the respondents have not examined the answer sheet of the petitioner on the ground that subject Code is return as '1' instead of '01'.

2. The learned counsel for the petitioner submits that in the Admit Card, subject Marathi

was shown as having Code '1' and not '01'. The petitioner, in the answer sheet has written the subject code as '1'. According to the learned counsel, it is not a mistake of the petitioner and the petitioner had filled in the details in the answer sheet as per the Admit card itself.

3. Learned counsel for the respondents submits that the subject code for Marathi is '01' and as the petitioner has not mentioned the subject Code correctly, the OMR sheet is not scanned and as such, not examined the answer sheet.

4. We have considered the submissions advanced by the parties.

5. Instructions are issued by Savitribai Phule Pune University as the Stage Agency and under the 'Most Important' instructions, Instruction No.5, reads as under:

"5) Students will be solely responsible for the wrong entries in the on-line application form as well as in the OMR sheet (Answer Sheet)."

As per the instructions, subject Marathi is given subject Code '01'. In view of that the answer sheet of the petitioner is not examined. Examination of answer sheet is done by computerization process and it is not a manual examination. As the subject code was not properly mentioned as per the instructions, the petitioner's answer sheet could not be examined.

6. In view of above, no relief can be granted to the petitioner. Writ petition is dismissed. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC