

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

989 WRIT PETITION NO.6896 OF 2019

**HARSHID GANESH GONDHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Gore Ravindra Vitthal
AGP for Respondents: K.B.Jadhavar
Adv.Surekha Mahajan for R.2.**

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CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 26/06/2019

PER COURT :

The performance of the petitioner of the 12th standard examination held in February 2019 is cancelled so also is debarred upto July 2019 on the ground of malpractice.

2] We have heard learned counsel Mr.Gore for petitioner. Miss.Mahajan, learned counsel for the respondent submits that the chit was found and that is sufficient to hold the petitioner guilty of malpractice. The student is not supposed to carry any material alongwith him in the examination hall.

3] The petitioner had attempted some questions. The chit that is said to have been found at the place where the petitioner was giving examination cannot be said to be a study material or a chit. In the said chit, there are no questions nor there are any answers. It is simply an evaluation plan.

4] The same has no concern with the question paper or the answer

sheet. Moreover, the statement of the Supervisor and the Director of center has been recorded and they have also affirmed that the petitioner was thoroughly searched before the start of the examination and no chit was found.

5] We are aware of our limitations in entertaining such petitions. We would not exercise our jurisdiction as an appellate authority. However, facts in the present matter are such that the petitioner cannot be implicated remotely for the act alleged.

6] In light of the above, the impugned order cancelling the performance of the petitioner for the 12th standard examination held in February 2019 and debarring the petitioner upto July 2019 is quashed and set aside.

7] Writ Petition is accordingly disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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