

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

WRIT PETITION NO. 8637 OF 2019

Shubham Kanchankumar Chate .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. B. Solunke, Advocate h/f Shri Prasad D. Jarare, Advocate
for the Petitioner.

Shri V. M. Kagane, A.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Tope, Advocate for the Respondent No. 3.

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

DATE : 12TH DECEMBER, 2019.

ORDER :

. It is accepted by all the learned advocates that, the present petitioner is similarly situated person as petitioners in Writ Petition No. 13418 of 2018 decided under order dated 03rd September, 2019.

2. In the light of that, we adopt the same course.

3. It is not disputed that the names of the petitioner does not appear in the FIR filed with regard to the malpractice that had taken place. The raid was conducted at the house of the sitting Corporator at Plot no. 4, Surewadi, Harsool, Aurangabad and about 23 students studying in second year engineering were

found on the spot illegally writing the answer sheets and five accompanying who were helping them to write the answer sheets illegally. It is further the case that, out of bundle of 25 answer sheets 21 answer sheets were found of final year second semester (Civil) Construction Management, Paper No. P (251) and 5 answer sheets were of second year Civil Engineering.

4. It is submitted that no FIR is filed against the petitioner and the committee constituted by the University also could not take any final decision, almost two years have lapsed. The petitioner has given an undertaking to the University that he agrees that he may be shown as absent or given Zero marks for the examination conducted in May June 2017 for the subject Microprocessor, and further Mr. Solunke, learned counsel, on instructions of the petitioner submits that the petitioner would abide by his affidavit given before the University that he either be given Zero marks or shown absent for the paper of Microprocessor, we direct the University to show the petitioner either as absent or give them Zero marks for the paper of Microprocessor of the examination held in May June 2017.

5. In view of the above, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]