

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3742 OF 2018

1. Romit Prakash Singh
2. Birendra Kumar Ram Sudhakar ... Petitioners.

V/s.

The University of Mumbai & Anr. ... Respondents.

Mr. Vishal K. Jagwani, Advocate for the Petitioners.

Mr. Rui Rodriques, Advocate for the Respondents.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : AUGUST 07, 2019.

PC :

1 The Petitioner No.1 does not press the petition.

2 So far as the petition presented by Petitioner No.2 is concerned, it is submitted by the learned counsel appearing for the Petitioner that the Petitioner No. 2 has appeared for examination of 9th semester of five years LLB degree course and was declared as failed in 'civil procedure code' examination, as the petitioner was shown absent during the examination though he was present. In pursuance of the directions

issued earlier, the answer sheet of the petitioner of C.P.C. was **evaluated** and he is declared to have secured 20 marks. The Petitioner, relying upon Rule **44** framed by the University, prescribing the “procedure for providing photo copies of assessment of answer books to the examinee and the process of revaluation of the answer books”, claims that the answer books already revaluated can be put to scrutiny and can be re-revaluated subject to issuance of the directions by the Vice Chancellor in exceptional cases. The Petitioner contends that it is an exceptional case, since the certain answers recorded by the petitioner have not been evaluated. In the additional affidavit submitted by the Petitioner today, it is contended that the answer sheets have not been properly re-valuated. So far as the claim of the Petitioner for re-valuation of the answer sheets of the Law of Medicine (10th Semester), the Petitioner contends that he is shown to have secured 32 marks and after re-valuation, there was no change in marks reported. The Petitioner contends that so far as the answer sheets of the ‘Law of Medicine’ examination is concerned, the re-valuation has not been done in proper manner and the exceptional case is made out for issuance of the directions by the Vice Chancellor.

3 Considering the contentions of the petitioner raised in the petition as well as in the affidavit- in-reply tendered today, it would be open for the University to take appropriate decision in the matter. It is clarified that since the issue raised by the petitioner in respect of the scrutiny of answer sheets exclusively fall within the discretion of the University authorities, this court may not express any opinion on the academic issues and it would be for the concerned University to take appropriate decision.

4 Writ petition, therefore, stands disposed of with liberty to the University to take appropriate decision in the matter, considering the facts and circumstances enumerated in the petition as well as in the affidavit -in-reply tendered today.

5 The writ petition is disposed of accordingly.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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