

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

**WRIT PETITION NO.602 OF 2019**

**(Arbaj Abdul Rashid Khetiwale Vs. The Divisional Secretary, Maharashtra  
State Secondary and Higher Secondary Education Board, Divisional Board,  
Aurangabad and another)**

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Mr. Sachin S. Deshmukh, Advocate for the petitioner  
Mr. U.S. Mote, Advocate for respondent No.1

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

**DATE     :   13.01.2020**

**PER COURT :**

We have heard Mr. Sachin S. Deshmukh, learned counsel for the petitioner and Mr. U.S. Mote, learned counsel for respondent No.1.

2.           According to Mr. Deshmukh, learned counsel, the decision of respondent No.1 in holding that the petitioner is guilty of malpractice in the examination is erroneous. There is no complaint by the invigilator or any report to that effect. The assertion of change in handwriting at page Nos. 22, 26 and 27 of the answer-sheet for English subject is totally unfounded. According to the learned counsel, the order holding the petitioner guilty of malpractice in the examination deserves to be set aside.

3.           Mr. Deshmukh, the learned counsel, in the alternative, submits that the punishment imposed upon the petitioner is too harsh. The same is

also disproportionate to the act alleged.

4. Mr. Mote, learned counsel for respondent No.1 submits that the punishment has been imposed considering the guidelines in force and the handwriting at pages 22, 26 and 27 of the answer-sheet for English subject is different.

5. The answer-sheet of English subject of the petitioner is produced before the Court. The contention of respondent No.1 about the change in handwriting appears to be reasonable and requires no interference.

6. As far as punishment is concerned, the respondents are relying on the guidelines. The petitioner has already suffered loss of five examinations i.e. the examination to which the petitioner had appeared and subsequent four upto March, 2020.

7. We leave it to the authorities to consider whether they would allow the petitioner to appear for July, 2020 Examination. The petitioner may approach the respondents in that regard. The respondents may take decision on the application of the petitioner on its own merits.

8. The Writ Petition is disposed of accordingly. No costs.

**[MANGESH S. PATIL]**  
**JUDGE**

**[S.V. GANGAPURWALA]**  
**JUDGE**

