

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

WRIT PETITION NO. 2078 OF 2021

Sachin Shahaji Bharate

.. Petitioner

Versus

The State of Maharashtra and another.. Respondents

Shri Pratik A. Bhosle, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for the Respondent No. 1.

Shri Sachin Deshmukh, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 05TH OCTOBER, 2021.

FINAL ORDER :

. Mr. Bhosale, the learned advocate for the petitioner submits that, the petitioner had appeared in TAIT 2017 examination. After the examination, the petitioner and other students were only shown their respective score on the screen and were not issued print out of their score. The model answer key was published in January 2018. After obtaining model answer key of the question paper, the petitioner was of the opinion that some of the questions are incorrectly decided by the respondent No. 2. The petitioner raised an objection within five days as stipulated to the five questions. The petitioner after a year could get the individual response sheet on 27.11.2018. After getting individual response sheet, the petitioner noticed that about 20 questions were not properly decided. The petitioner

took objection to the same by email in January 2019. The learned advocate submits that, the delay may not be sole ground for not entertaining the petition. The petitioner is a student. Prima facie some of the questions were either wrongly framed or the answers were wrongly given in the model answer key. The learned counsel to illustrate submits that, in Marathi the question was for national anthem, whereas in English same was referred as national song. According to the learned counsel both are different, but the answer was given one only.

2. According to the learned counsel the process of appointment is continuing process. The same is not yet concluded.

3. We have considered the submissions.

4. In academic matters, the Courts would be loath in exercising powers of judicial review referable to Article 226 of the Constitution. The Courts are not experts to decide the correct answers. The said job is best left to the experts. The affidavit has been filed by the respondent No. 2 saying that the objections raised were referred to the experts and two questions were discarded. The other questions remained unchanged. There is no reason to disbelieve the said affidavit. No malafides are alleged.

5. The selection process is also of the year 2017-2018. Much

time has lapsed. Selection list is published in the year 2018 only and the appointments are made through Pavitra Portal.

6. For the aforesaid reasons, it is not possible to entertain the writ petition at this stage. The writ petition accordingly is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct.21