

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1084 OF 2021

Ruzaina Firdous d/o Ziya Patel

-- Petitioner

vs.

Swargiya Dadasaheb Kalmegh Smruti
Dental College & Hospital and anr.

--Respondents

Mrs. Renuka Sirpurkar, Advocate for Petitioner.

Mr. Rohan Deo, Advocate for Respondent No.1.

CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.

.DATE : 25 FEBRUARY 2021

P. C. :

Heard learned counsel for the parties.

2. The Petitioner is a student of final year Bachelor of Dental Surgery (BDS) course, studying in Respondent No.1 – College affiliated to Respondent No.2 – University.

3. The Petitioner was issued a Statement of Marks for final BDS(New)-Summer-2020 under Seat No.48976. The statement of marks reflected that the Petitioner had secured 01 mark in Oral Medicine, Radiology for internal assessment (theory) and 00 in internal assessment (practical), likewise Petitioner is shown to have secured 01 mark for Prosthodontics & Crown Bridge for

internal assessment (theory) and 00 for internal assessment (practical), because of which the Petitioner have been shown to have failed.

4. The Petitioner has made a categorical assertion in para 5 of the Petition that during the Session 2020, the College did not conduct any improvement test (internal assessment) and therefore, there is a clear error in the Statement of Marks issued.

5. The Maharashtra University of Health Sciences, Nashik - Respondent No.2 under the Ordinance No.01/2014, has laid down guidelines for conduct of examination of which Ordinance 46 deals with conduct of internal assessment examination. A Committee is contemplated under Ordinance 47(vii) which can decide individual complaints of students in respect of internal assessment examination.

6. The learned counsel for the Petitioner submitted that the Petitioner has already made a complaint on 21 January 2021, however, no decision is taken and the regular written examination is scheduled on 08 March 2021 and the internal assessment is going on, for which Petitioner has been permitted to appear. The learned counsel for the Petitioner submits that if the correction is made in the Statement of Marks, then it will not be necessary to the Petitioner to again appear for written examination on 08 March 2021.

7. Since a mechanism is provided under the Ordinance which is invoked by the Petitioner, it is expected that the same is dealt with expeditiously. We direct that the grievance made by the Petitioner annexed herewith to the Petition to be decided by the concerned Committee by 04 March 2021 i.e. one week from today. In case the decision of the Committee is positive to the Petitioner, the same be forthwith communicated to the Respondent No.2 – University, who shall carry out necessary correction immediately. The decision of the Committee be communicated to the Petitioner .

8. With these directions, Writ Petition is disposed of.

9. Authenticated copy of this order be supplied to the learned counsel for the parties.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]