

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

Writ Petition No.2423/2020

Rushali Nitin Raghatate

...Petitioner

Versus

The State of Maharashtra, through Secretary,
Department of School Education and Sport, Mantralaya, ...Respondents
Mumbai and another

Shri N.S. Warulkar, Advocate for the Petitioner

Shri Amit Madiwale, AGP for the Respondent No.1 - State

Shri Anand Parchure, Advocate for Respondent No.2.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 01 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioner, a student of Respondent-College, had appeared for HSC examination in March-2020. On 26 February 2020, the Petitioner gave the examination paper of 'Chemistry' subject. On that date, the flying squad visited the Centre where the Petitioner was giving her examination. The flying squad found that the Petitioner was using written material and was trying to solve the examination paper through prohibited means. When the flying squad visited the centre, an attempt

was made to throw away the material. On 1 June 2020, the Petitioner was given a notice to explain. A Three Member Inquiry Committee was constituted for conducting the inquiry. The inquiry was conducted and the Petitioner was given an opportunity and thereafter the Petitioner was declared eligible for re-examination with an endorsement in the Marklist. Being aggrieved the Petitioner has filed this Petition.

3. The learned counsel for the Petitioner submitted that the Inquiry Committee was not in accordance with the Regulation dated 11 July 1977 issued by the Maharashtra Secondary and Higher Secondary Education Board under the Maharashtra Secondary and Higher Secondary Board Act, 1965. The learned counsel for the Petitioner relied on Clause 15 of the Regulation and submitted that the Examination Committee was not constituted as per this Clause.

4. The learned Counsel for the Respondent No.2 rightly pointed out that this Examination Committee does not inquire into the allegations as the present one and it is for broad decisions regarding the conduct of examinations.

5. The learned counsel for the Petitioner then submitted that the Petitioner had given an examination paper on merits; therefore the Petitioner's examination paper ought to have been considered and results be declared on merits.

6. We are not inclined to accept the Petitioner's case. The flying squad immediately has prepared the report. Before the flying squad, the

Petitioner had given a statement. The Inquiry Committee was duly constituted and opportunity was given to the Petitioner. There is no reason to doubt the out-come of the Inquiry Committee. The examination for the year 2021 has already been completed. In the circumstances, no further orders can be passed.

7. The Writ Petition is accordingly disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]