

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3354 OF 2021

PETITIONERS :-

1. Sadhana Shikshan Mandal, (A Society registered under the Societies Registration Act) Regn. No. F-2222 at Post Shegaon, District Buldhana.
2. Saraswati Junior College, Gaulkhed Road-through its Principal at Post:Shegaon, District Buldhana.

...VERSUS...

RESPONDENTS :-

1. State of Maharashtra Department of School Education and Sports-through its Principal Secretary, Mantralaya, Mumbai:32.
2. Maharashtra State Board of Secondary and Higher Secondary Education-through its Secretary, Near Balchitrawani, Survey No.732-A, Bambhurda, Shivaji Nagar, Pune.
3. Maharashtra State Board of Secondary Education, Divisional Board, Amravati-through its Secretary, Camp, Amravati.
4. Education Officer, Secondary and Higher Secondary, Zilla Parishad, Buldhana.
5. Jayant Dhyaneshwar Mali, Aged about 18 years, Occupation: Student, R/o

Village Zadegaon, Tq. Shegaon, District Buldhana.

6. Nisha Sunil Pimple, Aged about 18 years, Occupation: Student, R/o Fule Nagar, Shegaon, District Buldhana.
7. Krishna Vitthal Sondekar, aged about 18 years, Occupation: Student, R/o Shivaji Nagar, Shegaon, District Buldhana.

Mr. A.R.Patil, counsel for the petitioner
Mr. Anand Parchure, counsel for respondent Nos.2 and 3.
Mr. S.V. Sirpurkar, counsel for the respondent Nos.5 to 7.

WITH

WRIT PETITION NO. 3016 OF 2021

PETITIONERS :-

1. Jayant Dyaneshwar Mali, Age 18 years, Occupation: Student, R/o Village Zadegaon, Post Zadegoan, Tq. Shegaon, District Buldhana.
2. Nisha Sunil Pimpale, Age 18 years, Occupation: Student, R/o Balapur, Fule Nagar, Shegaon, District Buldhana.
3. Krishna Vithal Sondkar, age 18 years, Occ. Student, R/o Shivaji Nagar, Shegaon, Tq. Shegaon, District Buldhana.

...VERSUS...

RESPONDENTS :-

1. State of Maharashtra Department of School Education and Sports-through its Secretary, Mantralaya, Mumbai.
2. Deputy Director of Higher and Technical Education, Maharashtra State, office of the Deputy Director of Education, Pune.
3. Maharashtra State Board of Secondary and Higher Secondary Education-Pune, Survey No.732/A, Near Balchitrawani Bambhurda, Shivani Nagar, Pune 411004, through its Secretary.
4. Maharashtra State Board of Secondary and Higher Secondary Education, Divisional Board, Amravati- Division, Amravati, through its Secretary.
5. Education Officer, Secondary and Higher Secondary Division, Buldhana.
6. Sadhana Shikshan Mandal, Registration F-2222, Kaulkhed Road, Shegaon-444203, District Buldhana through its Chairman.
7. Saraswati Junior College, Kaulkhed Road, Shegaon-444203, District Buldhana, through its Principal.

Mr.S.V. Sirpurkar, counsel for the petitioners.
Mr.Anand Parchure, counsel for respondent Nos.3 and 4.
Mr.A.R.Patil, counsel for the respondent Nos.6 and 7.

**CORAM : SUNIL B.SHUKRE &
ANIL S.KILOR, JJ.**

DATE : 09.09.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. After a detailed order was passed by this Court on 06.09.2021, an inquiry was ordered to find out the circumstances in which the admission forms of the petitioners in Writ Petition No. 3016 of 2021, who are Jayant Mali, Nisha Pimpale and Krishna Sondkar, were not sent to the respondent No.3-Board. The report of the enquiry dated 08.09.2021 is now filed on record by the respondent No.3, Board.

4. Perusal of the enquiry report clearly shows that these three students had submitted their admission forms for appearing at 12th standard examination and as per the procedure, they were

required to be uploaded by the concerned school i.e petitioner No.2 in Writ Petition No.3354 of 2021. Due to mistake committed by the concerned clerk, namely, Prashant Fulchand Waghmare and also negligence on account of the Principal, Vinod Chetwani, these admission forms were not uploaded. It has also been established now that the mistake and the negligence was not confined only to failure to upload the admission forms, but also failure to upload the requisite data comprising best marks obtained in three subjects of the 10th standard, the assessment of performance at 11th Standard, internal assessment, and also marks of oral and practical examination on the website of respondent No.3. Such failure and negligence, as seen from the report and also as contended by learned counsel for the students, has resulted into non assessment of the performance of the three students for 12th Standard examination and consequently no result of 12th Standard examination of these three students was declared. This is also the submission of respondent No.3.

5. Shri. A.R. Patil learned counsel for petitioners in Writ Petition No.3354 of 2021 submits that there was some mistake on

the part of the concerned clerk in not uploading the data and such failure has caused inconvenience to the students. He also submits that the entire data required for assessing the performance of the three students at 12th Standard examination is ready and if directed by this Court, it can be immediately submitted to the respondent No.3-Board.

6. In view of above, we are of the opinion that for the fault, mistake and negligence of the clerk of the school and Principal of the school and failure of the School Management to exercise supervision of requisite degree over its staff members, the students who were otherwise regular in attendance and who had also appeared at the internal examination of 11th Standard, should not be made to suffer. Otherwise, their whole academic year would go waste and it would have a cascading effect on their future career and endeavours in the field of academics, which may also delay their efforts to establish and settle themselves in life. It is for these reasons that we are inclined to issue appropriate directions to the respondent No.3 in order to protect the academic interest and academic year of the three students and

at the same time, make the erring staff of the petitioners in Writ Petition No. 3354 of 2021 realise their mistake and also make the School Management take appropriate steps for prevention of such mistakes, negligence and failures in future.

7. Accordingly, we, direct Saraswati Junior College, and Sadhana Shikshan Mandal (petitioners in Writ Petition No.3354 of 2021) to submit the entire data of the three students namely, Mr. Jayant Mali, Ms. Nisha Pimpale and Mr. Krishna Sondkar, requisite for assessing of their performance at 12th Standard examination to respondent No.3 i.e Maharashtra State Board of Secondary Education, Divisional Board, Amravati during the course of the day and we further direct the respondent No.3 Board, Amravati to carry out the assessment and performance of these three students as per the rules and declare their result latest by 3.00 p.m. on 15.09.2021. Physical submission of the data is permitted.

8. These directions are subject to payment of cost of ₹ 15,000/- by Sadhana Shikshan Mandal, cost of ₹ 10,000/- by Mr. Vinod Chetwani and cost of ₹ 5,000/- by Mr. Prashant Fulchand

Waghmare, which amounts shall be deposited in this Court latest by 14.09.2021 and upon such deposit being made, amount of ₹ 10,000/- each shall be paid by the Registry through RTGS mode or cheque to Mr. Jayant Mali, Ms. Nisha Pimpale and Mr. Krishna Sondkar.

9. Rule accordingly.
10. Both the Writ Petitions stand disposed of accordingly.
11. However, put up on **15.09.2021** for compliance.

(ANIL S. KILOR,J)

(SUNIL B. SHUKRE,J)