

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

Writ Petition No.3401 of 2020

Nishil s/o Ramesh Dhankar

...Petitioner

Versus

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

Shri N.S. Warulkar, Advocate for the Petitioner

Mrs. K.R. Deshpande, AGP for the Respondent No.1 - State

Shri Anand Parchure, Advocate for Respondent No.3-Divisional
Secretary

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

DATED : 1 MARCH 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioner has challenged a communication dated 12 October 2020 passed by the Divisional Secretary, Maharashtra State Secondary and Higher Secondary Education Board, Nagpur addressed to the Petitioner and informing the Petitioner that grievance of the Petitioner regarding his both marks should be counted, has been rejected.

3. The Petitioner appeared for 12th Standard examination in February/March 2020. The Petitioner answered a question in Mathematics paper twice. For the first attempt the Petitioner was given ten marks, and on the second attempt was given four marks. The contention of the Petitioner is that his both marks should have been counted and that the Petitioner was not put to notice that it will not be so counted.

4. A reply affidavit is filed. It is placed on record by the Respondent No.3 – Divisional Secretary, Maharashtra State Secondary and Higher Secondary Education Board, Nagpur that the marks for the same question could not have been given twice and ten marks given to the Petitioner for the first attempt were considered and not four marks for the second attempt. The learned Counsel for the Respondent No.3 points out that out of two, highest marks have been allotted to the Petitioner and therefore, there is no prejudice.

5. There is no reason to discard the stand taken by the Respondent No.3 – Divisional Secretary, as these are matters of academics. Obviously marks for the same question could not have been granted. In these circumstances, no interference is warranted.

6. The Writ Petition is rejected.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]