

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 3805 OF 2021

Anshuman Baghmare
Age about 19 years, Occu. Student,
R/o.C/o.Shri Chandrashekhar Baghmare, Qtr
No. 61 A, Type 3, Sector 3, Ordinance factory,
Chanda, Bhadrawati, Chandrapur – 442501

.. Petitioner

Versus

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, Nagpur
3. Maharashtra State Board of Secondary and
Higher Secondary Education – through its
Secretary, Pune
4. Maharashtra State Board of Secondary and
Higher Secondary Education – through its
divisional Secretary, Nagpur.
5. National testing Agency through its Chairman
Governing body, Noida, Uttar Pradesh.
6. Nirala College through its Principal,
Hasnapuri C.A. road, Nagpur – 18

.. Respondents

Ms. Amruta Gupta, Advocate for petitioner.

Mr. K. L. Dharmadhikari, AGP for respondent Nos.1 and 2.

Mr. Anand Parchure, Advocate for respondent No.4.

Mr. S. K. Hatwar and Mr. N. A. Jachak, Advocates for respondent No.6.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE JJ.

DATED : 16th NOVEMBER, 2021

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

Heard. **Rule.** Rule made returnable forthwith.
Heard finally by consent of the learned counsel for the parties present before the Court.

(2) It is an admitted fact that Summer 2020-21 examination result of the 12th Standard Course pursued by the petitioner could not be declared, because of the mistake committed by one of the employees of respondent No.6 in not sending the examination form of the petitioner together with the assessment sheet. This mistake has been called by the respondent No.6 – College as “inadvertent”. We do not know as to whether or not mistake was “inadvertent”, as there is no material available on record, to record any opinion. However, even if we assume that the mistake was inadvertent just for the sake of argument, its effect on the academic career of the petitioner is disastrous. It has resulted in spoiling or at least disturbing the academic career of the petitioner. Of course, the petitioner has taken supplementary examination and its result for the petitioner is positive. He has been declared to have passed the supplementary

examination, but, in the supplementary examination which he appeared at, he has not been able to secure more than 50% marks. The learned counsel for the petitioner submits that had the Summer examination result been declared, the petitioner would have certainly secured more than 50% marks. Additionally, the mistake so committed has also resulted in violating the fundamental right of the petitioner as regards education. So, in our view this is a fit case for making interference in the matter and we do so.

(3) In this view of the matter, we allow the petition. It is directed that respondent No.6 – College shall send the examination form for Summer 2020-21 examination for 12th Standard, which was already submitted by the petitioner, to respondent Nos.3 and 4 with assessment sheet and other documents within **two weeks** from the date of the order and it is further directed that upon receipt of the examination form along with all the documents, the respondent Nos.3 and 4 shall make the assessment of the performance of the petitioner as per its policy and declare the result of the petitioner based upon such assessment within a period of **three weeks** from the date of the receipt of the examination form with all the documents.

(4) It is further directed that out of the two results, one being declared in terms of this order and the other which is already declared as regards the supplementary examination taken by the petitioner, that result shall be considered to be final which is in the best of the interest of the petitioner and other result then shall be treated as null and void.

(5) The respondent No.6 is directed to pay costs of **Rs.25,000/- [Rupees Twenty Five Thousand only]** to the petitioner with liberty to recover the same from the concerned official / Clerk by fixing the responsibility as per rules, if any, within a period of **two weeks** from the date of the order. If no such compensation is paid by respondent No.6 to the petitioner within stipulated period of time, this Court shall be constrained to take coercive action against respondent No.6 and its responsible officials/teachers.

(6) Rule in above terms.

(7) Put up for compliance after **three weeks**.

[ANIL L. PANSARE]

[SUNIL B. SHUKRE]

KOLHE/P.A.

Digitally signed by RAVIKANT
CHANDRAKANT KOLHE
Signing Date: 18.11.2021
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