

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6252 OF 2022
(Nikhil Bhaskar Nade Vs. The State of Maharashtra, Through its
Secretary and others)

Mr.S.V.Dixit, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent No.1.
Mr.S.S.Thombre, Advocate for respondent Nos. 2 and 3.
Mr.P.S.Dighe, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : NOVEMBER 15, 2022

PER COURT :

1. A peculiar situation is brought before us by the petitioner. The petitioner was pursuing his B-Pharmacy Education with the Y.B.Chavan College of Pharmacy, Aurangabad. In the examination conducted in May 2019 for the 6th Semester, the petitioner received lesser marks in the internal assessment of the subject Pharmaceutical Analysis – II. He, therefore, applied for the improvement examination schedule in May/ June 2020. This examination was actually conducted in Sept. 2020. He received 15 marks in the internal assessment. These marks were to be submitted by the College / Respondent No.4 herein to the respondent No.3 Board of examination and Evaluation of the University at

Aurangabad. A lapse appears to have occurred at this stage when the College failed to submit the statement of marks in the improvement session. Consequentially, the score of the petitioner in the internal examination was shown to be 4 instead of 15.

2. The learned Advocate representing the University submits that had the College been diligent and had tendered the statement of marks of the improvement session in time to the University, the score of the petitioner viz. 15 marks would have been shown in place of 4 marks.

3. We find that the College has subsequently moved an application to respondent No.3, dated 17.02.2021 requesting the Director of the Board of Examinations and Evaluation to rectify the mark sheet of the petitioner.

4. The learned Advocate representing the College submits that the increase in the improvement session examination is rightly shown as 15 marks and the petitioner is entitled to the said score. The Management has already tendered a hard copy to the University. If required, an online application, subject to the portal being open, would be tendered

to respondent No.3 within one week from today. So also, a request letter would be once again addressed to respondent No.3 and the same would be delivered to the respondent No.2 / University through e-mail alongwith the internal marks sheet, as an uploaded attachment.

5. Considering the above, this petition is disposed off. Respondent No.4 / College shall immediately do the needful in the light of the statement recorded. Consequentially, the University would ensure that a corrected marks memo of the petitioner for the concerned year indicating the corrected marks of the internal assessment for the subject Pharmaceutical Analysis – II, paper code 630, is issued. On submitting an application for receiving the corrected copy of the statement of marks, the University would ensure that the said corrected statement of marks is issued within 10 days from the date of the application filed by the petitioner. In the event, the University finds that the College is liable to pay any late fees or penalty, it is at liberty to impose the same, which the College shall pay with promptitude. Nevertheless, non payment of the said fees would not be an impediment for issuing a corrected marks memo.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)