

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

WRIT PETITION NO. 5360 OF 2021

(Nilkumar s/o Sadhuji Peche Vs. Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur, thr. its Registrar)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.

Court's or Judge's order

Shri P.R. Karekar, Advocate for the petitioner.
 Shri S.A. Marathe, Advocate for the respondent.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 25, 2023

Heard.

The petitioner appeared for the Bachelor of Education examination in Summer – 1993. According to him, results of all candidates came to be declared on 21/7/1993 while the petitioner's result was declared on 6/8/1993. By this Writ Petition, the petitioner seeks a declaration that result of his B.Ed. Examination be treated to be 21/7/1993 and not 6/8/1993.

On 17/1/2023, we had called upon the petitioner to indicate the legal basis for seeking the aforesaid relief as it is the case of the respondent that for non-receipt of marks in the subject of Philosophical and Sociological Foundation of Education his result could not be declared on 21/7/1993. After verifying his marks, result was declared on 6/8/1993. The learned Counsel for the petitioner however is unable to indicate the legal basis for seeking such relief except that the action of the University is against the principles of natural justice.

The learned Counsel for the respondent is justified in relying upon the decision of the Division Bench of this Court in *Ramchandra s/o Pandurang Dalal Vs. Municipal Council, Pavni and others* [2006(6) Mh.L.J. 227] wherein it is held in paragraph 8 that until the result of the examinee is declared he cannot claim to have acquired qualification with regard to the examination in which he had appeared.

We therefore find that it is only on declaration of the petitioner's result on 6/8/1993 that he is entitled to have been treated as having passed. For this reason, the relief sought by the petitioner cannot be granted.

The Writ Petition is thus dismissed with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT