

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

CIVIL APPLICATION [CAW] NO. 1894/2023
IN WRIT PETITION NO. 5477/2021.

Dr.Keshav Baliram Hedgewar Paryayi Shiksha Mandal, Wardha.

-VERSUS-

The State of Maharashtra and another.

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

Court's or Judge's Orders

Shri Pritesh Atkar, Advocate for the Petitioner.
Shri N.R. Rode, A.G.P. for Respondent No.1.
Shri M.M. Sudame, Advocate for Respondent No.2.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.

DATE : JUNE 28, 2023.

Heard.

2. By this application, the applicant/
petitioner, an education society seeks direction
for declaration of result of 1st year GNM
Examination conducted by respondent no.2 on
17.01.2023. It is submitted that supplementary
examination are scheduled on 04.07.2023,
which are meant for the students who may

remain unsuccessful in the first year GNM examination.

3. It is brought to our notice that this Court vide order dated 13.01.2023 has permitted students to appear for first year examination with a rider.

4. The learned Counsel appearing for respondent no.2 has resisted the contention by stating that by virtue of an interim order petitioner is trying to create a right without going for final hearing.

5. Since we have permitted students to appear for first year examination, declaration of result would be of natural consequence in normal situation. There is no dispute that unless result is declared, the students who are unsuccessful would not be in a position to decide about appearing in the supplementary examination. Non-declaration of result may affect into loss of academic year of some of the

students. Considering the interest of students, we direct respondent no.2 to declare the result of first year GNM examination with a rider that neither the institution nor the students shall claim any equity or right, and the declaration of result would be subject to outcome of this petition. We also clarify that the unsuccessful candidates/students may be permitted to appear for the supplementary examination. Civil Application is accordingly disposed of.

6. Copy of this order be furnished to the learned Counsel for the parties to act upon.

JUDGE

JUDGE