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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15317 OF 2023**

Vedant Vyankatrao Poul Petitioner.

V/s

The State of Maharashtra and Others Respondents.

Mr. Laxman S. Deshmukh for the Petitioner.

Mr. N.C. Walimbe, Addl. G.P a/w Mr. A.R. Deolekar, AGP for Respondent No.1.

Mr. Pramod N. Joshi (through VC) a/w Mr. I.M. Khairdi for Respondent No.2.

Mr. Sandeep R. Waghmare for Respondent No.3.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 7th MARCH, 2024

P.C.:-

1] Heard. In this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner has raised a challenge to the action of Respondent No.2 – Punyashlok Ahilyabai Holkar Solapur University of declaring the Petitioner to have failed in the VIIIth Semester Examination of B.Tech-Civil Engineering.

2] It is the case of the Petitioner that the VIIIth Semester Examination for the B.Tech Course in Civil Engineering was held in

July 2023. The last subject paper in Professional Practices, Law & Ethics was held on 03/07/2023. During the course of said examination, the Examination Squad appointed by the University visited the Examination Centre and noticed that some students were involved in adopting unfair means in the said examination. The results of the said examination were declared on 25/07/2023. The Petitioner was declared to have passed in all subjects but his result in the paper of Professional Practices, Law & Ethics was withheld. On 17/08/2023, the Petitioner received a message from the Lapses Committee of the University stating therein that hearing would be conducted on 21/08/2023 in the matter of unfair means being adopted by the students in the last subject paper. The Petitioner claims to have attended the said proceedings in which signatures of various students were obtained. Thereafter, on 9/10/2023, the Petitioner's result for the entire VIIIth Semester came to be cancelled. Being aggrieved, the Petitioner has filed the present writ petition seeking to challenge the revised result dated 13/10/2023 and has prayed that his results for the entire VIIIth Semester be declared.

3] It may be stated that during pendency of the proceedings, the

Petitioner appeared for the Supplementary Examination for the VIIIth Semester. His results of the examination for all subjects was declared on 10/1/2024 and it was stated that the Petitioner had passed in all subjects. According to the Petitioner, there is a difference of about 33 marks in the results that were declared on 25/7/2023 and the results of the Supplementary Examination inasmuch as the Petitioner has scored 33 marks more in the VIIIth Semester Examination held in July, 2023. Besides the prayer for setting aside of the action of the University of canceling his VIIIth Semester result, the Petitioner also prays that he be permitted to take benefit of the results of his VIIIth Semester Examination that were declared on 25/7/2023 since he has secured 33 marks therein.

4] We have heard the learned Counsel for the Petitioner as well as the learned Counsel for the University. We have also perused the documents on record. It may be noted that prior to cancellation of the Petitioner's result under Ordinance 09.12.1(b), the Petitioner was given due notice and the Petitioner remained present alongwith his father on 21/08/2023 where his explanation was sought. The proceedings maintained by the Lapses Committee indicate that about eight sheets of

papers were found with the Petitioner on 03/07/2023 that led to punishment of cancellation of the entire result under Ordinance 09.12.1(b). The documents produced on record indicate presence of the Petitioner before the Lapses Committee and his own letter accepting his folly in possessing said eight pages resulting in adopting unfair means. With this material on record, we do not find any basis to accept the contention of the Petitioner that the Petitioner was required to confess possession of said eight pages by the Lapses Committee. Besides the Petitioner, similar action was taken against various other candidates. It therefore cannot be said that the Lapses Committee was not justified in proceeding to hold the Petitioner liable for action under Ordinance 09.12.1(b). The punishment of annulling the performance of the student depending upon the gravity of the unfair means has resulted in cancellation of the Petitioner's result. It is seen that along with the Petitioner, another candidate was found possessing 12 chits and he too has been inflicted penalty under Ordinance 09.12.1(b). With regard to other students wherein lesser number of papers were found, penalty under Ordinance 09.12.1(a) has been inflicted. We therefore do not find any reason whatsoever to hold that it was the Petitioner alone who has been singled out for such penalty. Since such

penalty has been imposed after grant of due opportunity, we do not find any reason to interfere with the same.

5] Coming to the submission that the Petitioner having scored more marks in the VIIIth Semester Examination that was held in July, 2023 than the marks scored by him in the Supplementary Examination and hence he should be permitted to take benefit of his earlier attempt cannot be accepted, we find that no such provision has been brought to our notice. Moreover, once the penalty imposed under Ordinance 09.12.1(b) is found to be valid then the question of that result declared earlier surviving would not arise. It is noted that the Petitioner has passed in all the subjects in Supplementary Examination.

6] For the aforesaid reasons, we do not find any case made out to interfere in exercise of writ jurisdiction. The writ petition is dismissed. However, the University is directed to declare the Petitioner's result of his attempt in the Supplementary Examination. Same be done within a period of ten days from today. Order accordingly.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]