



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 7726 OF 2025

APURVA JAYESH MANTRI THROUGH GUARDIAN JAYESH SHRINIVAS
MANTRI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Mr. Aditya Sikchi h/f. Mr. Dhiraj R. Jethliya – Advocate for Petitioner
Mr. M.M. Nerlikar – AGP for Respondent No.1, State
Ms. Surekha P. Mahajan – Advocate for Respondent Nos.2 and 3

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**CORAM : MANISH PITALE &
 Y. G. KHOBRAGADE, JJ.**
DATE : 03.07.2025

ORDER :

1. The petitioner is aggrieved by communication dated 17.06.2024 issued by respondent No.3 i.e. The Maharashtra State Board of Secondary and Higher Secondary Education Board, Divisional Board, Chhatrapati Sambhajnagar whereby a prayer for further re-evaluation of the answer-sheet of the petitioner for the subject Mathematics and Statistics has been rejected. The petitioner is also aggrieved by communication sent by the respondent No.3 to the Head Master of the school where the petitioner studied, informing that there was no change in the statement of marks. In this backdrop, apart from seeking quashing of the said communication, the petitioner is seeking a direction to respondent Nos.2 and 3 to reconsider the application of the petitioner for re-evaluation and

checking of the answer– sheet particularly in respect of question No. 17(i) and issue a fresh mark-sheet.

2. The petitioner claims that when he perused a photocopy of the answer–sheet pertaining to the said subject, he found that question No. 17(i) of the answer–sheet had not been evaluated, as consequence of which he had suffered low marks, thereby jeopardizing his admission in a prestigious institution – Birla Institue of Technology and Science (B.I.T.S.), Pilani.

3. Learned Counsel for the petitioner submits that, upon receiving the mark-sheet, the petitioner applied for a photocopy of the answer–sheet and realizing that question No.17(i) was not evaluated, applied for verification before the respondent – Board. In response, the petitioner was communicated that there was no change in the marks. In this situation, the petitioner approached a Mathematics teacher of a particular college to evaluate his answer–sheet and the said teacher concluded that four (4) marks could be increased. In this backdrop, the petitioner applied to respondent No.3 – Board alongwith the recommendation of the teacher for possible increase of marks. But, by the impugned communication dated 17.06.2024, the respondent – Board stated that further re-evaluation was impermissible and rejected the request of the petitioner.

4. By inviting our attention to the photocopy of the answer-sheet, it was emphasized that the answer to question No. 17(i) was not evaluated and since the question in its entirety pertained to three (3) marks, absence of evaluation had a detrimental effect on the petitioner. It was submitted that the respondent – Board ought to have evaluated the said answer and granted marks so that the opportunity to the petitioner to secure admission in the aforesaid prestigious institution would not be jeopardized only by one (1) mark.

5. On the other hand, learned Counsel appearing for respondent Nos.2 and 3 produced the record before this Court and submitted that there was no provision for a further re-evaluation, once an exercise was carried out at the request of the petitioner. It was submitted that nonetheless, the respondent – Board had taken all possible steps to consider the grievance of the petitioner. In that regard, attention of this Court was invited to the manner in which the answer-sheet of the petitioner was re-evaluated by constituting a committee of five (5) moderators. It was submitted that the aforesaid committee took into consideration the answer key providing model answers and thereupon carried out the exercise of re-evaluation.

6. It was submitted that after carrying out such detailed exercise, the marks of the petitioner in some questions increased, including question No. 17, while they stood decreased for some other questions, with the

result that eventually there was no change in the marks obtained by the petitioner. It was emphasized that the committee was constituted on the directions of the Chairman of the Board and after all necessary steps had been taken, the eventual result of re-evaluation was obtained, which unfortunately has resulted in no increase in the marks of the petitioner. Attention of this Court was invited to the terms and conditions pertaining to re-evaluation, which stipulates that the result of re-evaluation of the answer-sheet shall be final and binding and further re-evaluation is impermissible. By relying upon various documents contained the record, learned Counsel appearing for respondent Nos.2 and 3 submitted that no interference is warranted in the impugned communication.

7. We have given out anxious consideration to the rival contentions in the light of the oral arguments and documents brought to our notice. There are two aspects to the matter, one pertaining to verification, as to whether all the answers were evaluated and total number of marks were correct, and second pertains to re-evaluation which concerned the award of marks on the basis of evaluation of each of the answers as done by the committee.

8. It is to be noted that, the petitioner had applied for verification of his answer-sheet on 22.05.2025, on the basis of photocopy of the answer-sheet, claiming that answer to question No. 17(i) was not evaluated. In response, the Board communicated to the petitioner that

there was no change in the marks. The petitioner applied for re-evaluation of the answer-sheet. The impugned communication dated 17.06.2024, refused to entertain the request made on behalf of the petitioner.

9. It appears that, the petitioner again applied for for reassessment/re-evaluation, of the said answer-sheet stating that, if there is increase of even one mark, the petitioner would be eligible for admission in the said institution.

10. The record produced before us on behalf of the Board shows that, a five (5) member committee of moderators was constituted and the answer-sheet of the petitioner was reassessed/re-evaluated. The record also shows that, upon the said committee carrying out the exercise of re-evaluation, the marks awarded to the petitioner increased in respect of some of the answers and decreased with regard to the other. Upon re-evaluation the petitioner was awarded three (3) marks with regard to question No. 17, while he was earlier awarded only one mark. Thus, the grievance of the petitioner about lack of evaluation of question No. 17(i) stood addressed by the five (5) members committee of moderators evaluating the same. But, the said exercise carried out by committee of five (5) moderators led to decrease in marks with regard certain answers and increase with regard to others. The net result was that the total number of marks awarded to the petitioner remained the same.

11. It was vehemently argued on behalf of the petitioner that, on the one hand the respondent – Board had taken a stand that, further re-evaluation was not possible, such an exercise was carried out and only to make amends for the errors committed earlier, in the exercise carried out through the committee of moderators, an attempt was made to cover up the earlier errors/mistakes. We find that entering into the said controversy would not be permissible in writ jurisdiction as the Court cannot substitute its opinion about the manner in which the awarded marks were allotted by the committee of five moderators. On the one hand, the grievance of the petitioner is that question No. 17(i) was not evaluated but on the other the petitioner is raising a grievance that during the process of re-evaluation by the committee of five (5) moderators marks were wrongly allotted, leading to decrease of marks in some questions while increase in the others. We refrain from entering into the arena where as many as five moderators forming a committee carried out the exercise of re-evaluation of the answer-sheet of the petitioner and came to certain conclusions.

12. It would be fraught with risk for this Court to sit in appeal over the exercise carried out by such experts/moderators and therefore, the grievance sought to be made in that regard on behalf of the petitioner cannot be entertained.

13. It is an unfortunate situation that the petitioner may be rendered

ineligible for admission to the said institution due small margin of marks but considering the manner in which the respondent – Board has dealt with the grievance of the petitioner, it cannot be said that the Board has acted in an arbitrary manner. It is not even alleged that the actions of the respondent – Board can be said to be malicious, for the reason that the Board or the committee of moderators cannot be said to have any enmity or animosity towards the petitioner.

14. The process of verification as also re-evaluation carried out in the detailed manner as brought to the notice of this Court by placing the entire record, indicates that the grievance of the petitioner was fully addressed. But, unfortunately the result has not brought about any change in the total marks awarded to the petitioner for the said subject.

15. The terms and conditions concerning re-evaluation of answer-sheet at Clause-16 clearly stipulate that the result of re-evaluation is binding on the student and the same has to be accepted.

16. In view of the above, we do not find any merit in the Writ Petition and accordingly, it stands dismissed.

17. Pending Civil Applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]