



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10111 OF 2025

Syed Mohammad Husain Syed Ahmed Husain
Versus
The State of Maharashtra and others

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Mr. Vijay P. Latange, Advocate for the petitioner,
Mr. S. D. Ghayal, AGP for Respondent Nos. 1 to 3- State.
Ms. Surekha Mahajan, Advocate for Respondent No.4- HSC Board.
Mr. P. V. Gujrathi, Advocate for Respondent No.5.

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CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.

DATE : 19th September, 2025

PER COURT :-

1. Heard learned counsel for the petitioner and learned counsel appearing for the contesting Respondent No.4-Board.
2. The present petition was taken up on the production board due to extreme urgency projected on behalf of the petitioner.
3. The grievance of the petitioner is that while awarding marks in subjects Physics, Chemistry and Biology, there has been an error, as a consequence of which, the petitioner is suffering grave injustice, in the sense that he is falling short of the qualifying marks for admission to professional courses by a mere two marks.
4. It is submitted that the petitioner applied for revaluation on 19.05.2025 in all the three subjects. In support of the said application, as per the required procedure, the petitioner produced opinions of

experts of the respective subjects, which indicated that in the subject of Biology, there was possibility of increase of four marks, in Physics, possibility of increase of two marks and in Chemistry, possibility of increase of one mark. It is submitted that despite aforesaid experts' opinions, submitted alongwith the application for revaluation, Respondent No.4 Board refused to make any changes in the marks originally allotted to the petitioner in the said three subjects.

5. Learned counsel for the petitioner invited attention of this Court to the documents placed on record in support of the contentions raised on behalf of the petitioner. It is submitted that the petitioner had secured sufficient marks in National Eligibility Cum Entrance Test(UG)-2025 to secure admission in an appropriate professional course, but for the fact that he is falling two marks short of the minimum qualifying marks, necessary for securing admission to such course.

6. Despite the narrow scope available in writ jurisdiction in such matters, we had issued notice to examine as whether there is any substance in the contentions raised on behalf of the petitioner.

7. Respondent No.4 is represented by learned counsel who produced original file pertaining to the case of revaluation of marks sought by the petitioner. Our attention is invited to the original record to submit that the prescribed procedure was followed to the hilt in the present case and hence, there is no scope for interference in writ jurisdiction. Learned counsel appearing for respondent no.4 submitted

that in such circumstances, the petition ought not to be entertained. Reliance was placed on the recent order dated 03.07.2025 passed by this Court in similar case i.e. **Apoorva Jayesh Mantri Vs. State of Maharashtra and others (Writ Petition No. 7726 of 2025)**. It is submitted that in such circumstances, this court may dismiss the writ petition.

8. We have considered the rival submissions. There can be no dispute about the fact that in such cases, there is a very narrow window for interference while exercising writ jurisdiction under Article 226 of the Constitution of India. The said position of law was reiterated by this court in the aforementioned order passed in the case of **Apoorva Jayesh Mantri**. It was reiterated that so long as the procedure of revaluation was properly followed, the writ court would not to show any indulgence in favour of the petitioner.

9. In the present case, we find from the original record that after the application for revaluation in all the three subjects was submitted on 19.05.2025, Respondent No.4 placed the application, alongwith the expert opinions submitted by the petitioner, before its own revaluation committee consisting of experts of the respective subjects. The original record shows that after carrying out the exercise of revaluation, the expert committee came to a conclusion in respect of all the three subjects i.e. Physics, Chemistry and Biology that no change was warranted. In the subject of Biology, we find that while the expert committee agreed that one mark could be increased with respect

to a particular question, it came to a conclusion that with respect to the another question, one mark deserved to be deducted. As a consequence, on balance, there is no change in the total marks obtained by the petitioner, even in the subject of Biology.

10. Perusal of the original record shows that the procedure contemplated as per the relevant rules and regulations was followed by Respondent No.4. This Court, in writ jurisdiction, can only examine as to whether the procedure was fairly and properly followed, but this Court cannot sit in appeal over the conclusion rendered by the expert committee. The court is not possessing an expertise to go into the merits of the claims made by the petitioner.

11. At this stage, learned counsel for the petitioner made a fervent plea for revisiting the findings rendered by the expert committee during revaluation. But, it was correctly pointed out by learned counsel for Respondent No. 4 that as per the relevant rules, revaluation can be conducted only once. We are in agreement with the said procedure for the reason that if further revaluations are permitted, it would be an endless exercise.

12. Although our sympathy is with the petitioner who has fallen short by only two marks to obtain the qualifying marks for admission to the professional courses, on merits, we do not find any substance in the present petition.

13. Accordingly, the writ petition is dismissed. Original papers are returned to the learned counsel for Respondent No.4.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan