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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5762 OF 2024

Anushka Rai }
Age:24 years, Occupation: Student }
R/A:B-304, Omaxe NRI City, }
Opp. Pari Chowk Metro Station, }
Gate No.1, Greater Noida, }
Gautambudh Nagar, }
Uttar Pradesh-201310 }
Petitioner

Verus

- 1. The Director Board of Examinations }
and Evaluation of Savitribai Phule Pune }
University (SPPU) }
R/o Savitribai Phule Pune University, }
Ganeshkhind, Pune, Maharashtra 411007. }
- 2. The Chancellor of Savitribai Phule Pune }
University (SPPU) }
R/o Savitribai Phule Pune University, }
Ganeshkhind Rd, Ganeshkhind, Pune, }
Maharashtra 411007. }
- 3. The Vice-Chancellor of Savitribai Phule }
Pune University (SPPU) }
R/o Savitribai Phule Pune University, }
Ganeshkhind Rd, Ganeshkhind, Pune }
Maharashtra 411007. }
- 4. The Pro-vice-Chancellor of Savitribai Phule }
Pune University (SPPU). }
R/o Savitribai Phule Pune University, }
Ganeshkhind Rd, Ganeshkind Pune, }
Maharashtra 411007. }
- 5. The Officiating Registrar of Savitribai Phule }
Pune University (SPPU) }
Savitribai Phule Pune University, }
Ganeshkhind Rd, Ganeshkhind, Pune, }

- | | |
|--|---|
| Maharashtra 411007. | } |
| 6. The Ombudsman of SPPU | } |
| Savitribai Phule Pune University, | } |
| Ganeshkhind Rd, Ganeshkhind, Pune, | } |
| Maharashtra 411007. | } |
| 7. The Principal of Gokhale Education | } |
| Society's N.B. Thakur Law College, Nashik | } |
| Gokhale Education Society's Narhar Balwant | } |
| Thakur Law College, College Rd, Vidya Nagar, | } |
| Krishi Nagar, Nashik, Maharashtra 422005. | } |
| 8. The Chairman of the University Grants | } |
| Commission | } |
| R/o University Grants Commission (UGC) | } |
| Bahadur Shah Zafar Marg, | } |
| New Delhi- 110002. | } |

Respondents

...
Ms. Sakshi Mane with Ms. Swati Singh, Advocates for the Petitioner.

Mr. Rajendra Anbhule with Ms. Nisha Ahire, Ms. Pooja Pall, Advocates for the respondent nos.1, 3 to 6-Savitribai Phule Pune University.

Mr. Vishwanath Talkute with Mr. Graham Francis, Advocates for the respondent no.7-N. B. Thakur Law College.

Mr. Milind Deshmukh, Advocate for the respondent no.8-University Grant Commission.

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**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 15TH JANUARY 2025.

JUDGEMENT : (PER : A. S. CHANDURKAR, J)

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties. The petitioner, a student pursuing her

B.A. LL.B final year course seeks correction of her mark-sheet issued by the respondent no.1-Savitribai Phule Pune University.

2. It is the case of the petitioner that in the examinations that were held in April 2023, she secured 61 marks in the subject of Administrative Law and 48 marks in the subject of Comparative Criminal Justice System. However, in the mark-sheet dated 22nd July 2023, it was shown that she had secured 53 marks in the subject of Administrative Law and 43 marks in the subject of Comparative Criminal Justice System. The petitioner applied for photocopies of the said answer sheets which were supplied to her on 31st August 2023. Immediately on the next date, she sought revaluation of marks on the basis of the said photocopies. The University by relying upon Circular No.188 of 2023 dated 22nd August 2023 declined to correct the mark-sheet on the ground that the petitioner had not made any application to the College for having the marks corrected as required. In this backdrop, the petitioner has filed present writ petition.

3. It is submitted by Ms. Sakshi Mane, the learned counsel for the petitioner that on perusal of the photocopies of the answer sheets of the aforesaid two papers, it was clear that the petitioner

had secured 61 marks out of 80 in the subject of Administrative Law and 48 marks out of 80 in the subject of Comparative Criminal Justice System. The photocopies of the answer sheets were supplied by the University itself and therefore, there was no reason to doubt the same. The petitioner was pursuing her final semester and after declaration of the result, she was issued a transfer certificate on 2nd August 2023. The University was not justified in relying upon Circular dated 22nd August 2023 which was published much later after conduct of the examinations. Since it was obvious that the petitioner's mark-sheet indicated lesser marks than what were secured by her, a direction be issued to issue a correct mark-sheet.

4. Mr. Rajendra Anbhule, the learned counsel appearing for the University relied upon affidavit in reply and submitted that since the procedure prescribed by Circular No.188 of 2023 dated 22nd August 2023 was not followed, no fault could be found with the stand of the University. It was necessary for the petitioner to have moved an application before the College for seeking correction of her marks. Without moving such application, the petitioner sought revaluation of the answer sheets. There was no change in the marks secured by the petitioner on revaluation. Since the

original answer sheets had been now destroyed, it was not possible to verify the correctness of the photocopies of the answer sheets. He therefore submitted that no relief be granted to the petitioner.

5. Having heard the learned counsel for the parties and having perused the document on record, we are satisfied that the petitioner did secure 61 marks in the subject of Administrative Law. This is clear from the photocopies of the answer sheet supplied to the petitioner. It is material to note that the results in question were declared on 22nd July 2023. Circular No.188 of 2023 came to be issued on 22nd August 2023 which is much after the declaration of results. After receiving the photocopies, the petitioner applied for revaluation of the answer sheet and no change was reported. It cannot be expected that on the basis that Circular No.188 of 2023 was issued much after declaration of the result, the students would have been aware of the procedure prescribed therein would be found. It is not shown that due publicity to this Circular was given as by that time the petitioner was already issued the transfer certificate. Considering the short period within which the petitioner immediately applied for revaluation coupled with the fact that the photocopy of her answer

sheet does indicate that she secured 61 marks in the subject of Administrative Law, we are of the view that the mark sheet insofar as this subject is concerned, deserves to be corrected.

6. However, insofar as the subject of Comparative Criminal Justice System is concerned, we find from the photocopies of the answer sheet that the figure 45 appears to be slightly over written and there is no signature of the Moderator on the same. The marks scored are shown as 43. Since there is no clarity in this regard with the case of the petitioner that she had secured 48 marks, we do not find that this aspect can be gone into in exercise of writ jurisdiction. We therefore do not find that any correction of marks in the subject of Comparative Criminal Justice System can be directed.

7. Given the peculiar facts of the case that Circular No.188 of 2023 was issued after declaration of the petitioner's results, the following order would meet the ends of justice:-

- i) Mark sheet dated 23rd July 2023 issued to the petitioner with regard to marks secured in the subject of Administrative Law shall be corrected to indicate that the marks secured by the petitioner were 61 and not 53.

ii) The prayer for correcting the marks in the subject of Comparative Criminal Justice System is not accepted.

8. The writ petition is allowed in aforesaid terms. Rule is made partly absolute. No costs.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]