

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5763 OF 2025**

Pankaj S. Nayak V/s. Maharashtra University Of Health Science & Ors.	... Petitioner ... Respondents
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Adv. A.D. Siddiqui a/w. Adv. Vatsal Verma, Adv. I.A. Siddiqui, Adv. D.S. Mishra, Adv. Gulab Yadav, Adv. Utkarsha Kupte i/b Adv. Vishal N. Nevshe for the Petitioner.
Mr. Sachindra B. Shetye a/w. Ms Dhanashri Mondkar Hule and Vrishali Shivgan for Respondent No.1.
Mr. Santosh Parad for Respondent No.2-BMC
Smt. Ashwini A. Purav, AGP for Respondent No.3/State.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.**

DATE : 14th JULY, 2025.

ORDER (PER N.R. BORKAR, J.)

1. The petitioner is a first year M.B.B.S. student in respondent No.2-College. In the Internal Assessment Examination conducted by respondent No.2 in Bio-Chemistry subject, the petitioner got 16 marks in theory and 26 marks in practical. The said marks obtained by the petitioner in the Internal Assessment Examination were below the minimum marks which were required to attain the eligibility to appear for the university examination. The petitioner thus appeared for Remedial Exam for Bio-Chemistry subject. In the Remedial Exam, the petitioner got 25 marks in theory and 31 marks in

practical. On the basis of the marks obtained by the petitioner in Remedial Exam, he was permitted to appear for university exam. The respondent No.2-College, however, while uploading the marks obtained by the petitioner in the Internal Assessment Examination, on the portal of respondent No.1 - University, instead of uploading the marks obtained by the petitioner in Remedial Exam, uploaded the previous marks obtained by him, i.e., 16 marks in theory paper and 26 marks in practical. Consequently, the petitioner was held to be not eligible in Bio-Chemistry subject and accordingly, the result was declared. The petitioner being aggrieved by the said action of declaring him "Not Eligible" has filed this petition.

2. We have heard learned counsel for the petitioner, learned counsel for respondent No.1 - University and learned counsel for respondent No.2 - College.

3. The learned counsel for the petitioner submits that there is no fault on the part of the petitioner and therefore, the petitioner cannot be made to suffer. It is submitted the petitioner would lose his academic year, if the impugned action is allowed to stand.

4. Learned counsel for respondent No.2 - College submits that the College committed inadvertent error while uploading the marks of Internal Assessment Examination of the petitioner. It is submitted that instead of uploading the marks obtained by the petitioner in Remedial Exam, his previous

marks were uploaded. It is submitted that after declaration of result by respondent No.1 - University, the respondent No.2 - College requested respondent No.1-University to rectify the said *bona fide* mistake and release the revised result.

5. On the other hand, learned counsel for respondent No.1-University submits that in terms of Ordinance No.1/2014, the College has to display the result of Internal Assessment Examination for one week. It is submitted that signature of students are taken on subject-wise internal assessment marksheet which is then required to be signed by Head of the Department and countersigned by the Dean. It is submitted that thus the stand of respondent No.2 - College that it was *bona fide* mistake cannot be accepted. It is submitted that Circular issued by respondent No.1 - University dated 10th October 2024 prohibits such change. It is thus submitted that the petition be dismissed.

6. Although respondent No.2-College should have been more cautious while uploading the internal assessment marks, however, we are of the view that the discrepancy caused on part of the respondent No.2 - College cannot be held detrimental to the academic year of the petitioner. Thus, we are of the opinion that the petitioner cannot be made to suffer due to no fault of his own. Considering the peculiar facts and circumstances of the present case, we direct respondent No.1 - University to consider the marks obtained by the petitioner in Remedial Exam for the purpose of

declaring his result of supplementary exam for first year M.B.B.S. Summer-2024 and revised result be declared accordingly within a period of one week from the date of receipt of copy of this order.

6. The Petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)