
(2015) 09 BOM CK 0207
In the Bombay High Court
Case No : Writ Petition No. 6424 of 2015

Asim Gaffar Shaikh

APPELLANT

Vs

The State of Maharashtra

RESPONDENT

Date of Decision : 10-09-2015

Acts Referred:

Citation : (2015) 09 BOM CK 0207

Hon'ble Judges : S.S. Shinde and M.T. Joshi, JJ.

Bench : Division Bench

Advocate : B.S. Shinde, Advocate i/b. V.P. Atange, Advocate, for the Appellant;
A.V. Deshmukh, AGP, for the Respondent

Final Decision : Dismissed

Judgement

S.S. Shinde, J.—Heard.

2. Rule. Rule made returnable forthwith. By consent of the parties, taken up for final hearing forthwith.

3. This petition seeks following relief vide prayer clause (B):-

"B] This Hon"ble Court be pleased to direct the respondents to extend the benefit of Marks to the petitioner who has participated in State Level Sport Championship as per the Government Resolution dated 21.04.2015 thereby awarding the additional marks of sports in view of the G. R. dated 21.04.2015 for getting the admission to the engineering course and for that purpose issue necessary orders."

4. It is the case of petitioner that he was studying in Ahmednagar College of Arts and Science in the year 2014-15. The petitioner has passed 12th standard examination (H.S.C.), from Science faculty and obtained 433 marks out of 650. It is the case of petitioner that he has completed H.S.C. and secured total 144 marks out of 300 for three subjects i.e. Physics, Chemistry and Maths. Rules of eligibility for admission to the first year of Four Years Full Time Degree Course in

Engineering/Technology in the academic year 2015-2016, has been prescribed in clause 2.1 of the said rules.

5. It is further case of the petitioner that he is a sportsman. He has participated in the championship organized by the Government of Maharashtra at State Level Boxing Championship at Chandrapur in the year 2014-2015. He has secured third place and obtained Bronze medal.

6. It is submitted by the counsel for the the petitioner that, the State of Maharashtra, considering the participation of the various students in sports, and to promote the sports culture in the State, have decided to grant additional 25 marks to the students who have participated in the State Level, National Level and International Level sports championship and they have facilitated with the medal and for the said purpose, the State of Maharashtra has issued Government Resolution dated 30th November, 2011 and subsequently, the said Government Resolution has been modified on 21st April, 2015. As per the said Government Resolution, the Boxing sport has been listed at serial No. 5 in the list of Government recognized games and as per the said resolution, the students who have appeared in 10th and 12th examination, have to forward the said proposal through District Sports Officer. By the said proposal, the District Sports Officer has to consider the claim of the students for giving benefit of additional 25 marks.

7. The petitioner has successfully passed 12th standard examination, but unfortunately, he could not score 50% marks, which are required for admission to engineering course. The petitioner has secured 144 marks out of 300 i.e. 48% and as such, he is short of 6 marks for getting 50% marks. Therefore, according to the petitioner, he may be given benefit of said Government Resolution dated 21st April, 2015, by way of addition of 25 marks, so that he would be entitled for admission to engineering course.

8. Heard learned counsel appearing for the petitioner; learned AGP for respondent nos.1 and 2 -State; and learned counsel for respondent no.3 - Board.

9. Learned counsel appearing for respondent no.3/Board has invited our attention to the affidavit-in-reply filed on behalf of respondent no.3. He submits that the Government of Maharashtra has issued resolution on 21st April, 2015 and the petitioner has passed H.S.C. examination in the academic year 2014-2015. Said resolution is made applicable from the academic year 2015-2016 and thereafter.

10. The relevant portion of the Government Resolution dated 21st April, 2015 issued by the School Education and Sports Department, Government of Maharashtra, for the purpose of deciding this petition, reads as under :-

11. Upon careful perusal of the contents of the aforesaid extracted portion of the Government Resolution, it is abundantly clear that the said resolution has been made applicable from the academic year 2015-2016. Admittedly, the petitioner has passed H.S.C. examination in the year 2014-2015. In that view of the

matter, we are not inclined to entertain the petition.

12. The petition sans merit, hence rejected. Rule discharged.