

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 401 OF 2020
(Arising out of SLP(C)No. 12873 of 2020)

AATHRAVA S/O ABHAY REWATKAR

Appellant(s)

VERSUS

MAHARASHTRA STATE BOARD OF SECONDARY
AND HIGHER SECONDARY EDUCATION & ANR.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal emanates from the judgment and order dated 21.09.2020 passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in WP(ST) No. 8360 of 2020 rejecting the Writ Petition filed by the appellant for a direction to the respondents to evaluate and reckon the answers given by the appellant by indicating the alphabet against each question.

The High Court referred to instruction No. 7 and has taken the view that the said instruction required the candidate(s) to not only note the alphabet but also the answer against each question. Instruction No. 7 reads

thus:-

"(7) For each MCQ, correct answer must be written along with its alphabet, e.g. (a)/(b)/(c)...../(d)etc."

We have heard learned counsel for the parties.

In our opinion, the appellant is justified in making grievance that the quoted instruction, as articulated, does not clearly mention that it is mandatory to note the correct answer and not only the alphabet concerned. Further, no consequence for failure to do so had been spelt out therein. In other words, since the instruction(s) do not provide for any consequence for answering the question in the manner answered by the appellant, following the exposition of this court in *Ran Vijay Singh & Ors. Vs. State of Uttar Pradesh & Ors.* reported in 2018 (2) SCC 357, the stated instruction needs to be treated as directory.

We find merit in the arguments advanced by the appellant. As a result, the appellant is entitled for evaluation of the answers as given by her by merely mentioning alphabet against each question and not the complete answer.

We, accordingly, direct the respondents to evaluate

the answer sheet of the appellant afresh and assign marks in accordance with the observation made hereinabove and issue fresh marksheet to the appellant in that regard within four weeks from today.

We make it clear that if the respondent-Board intends to provide for any consequence for not answering the question in the stated manner, in future, must make it amply clear in the general instructions itself, so that candidates would be fully conscious about the need to write the answer and not mere an alphabet against each question.

The appeal is disposed of, in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(B.R. GAVAI)

New Delhi
December 10, 2020

ITEM NO.18 Court 5 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12873/2020

(Arising out of impugned final judgment and order dated 21-09-2020 in WPST No. 8360/2020 passed by the High Court Of Judicature At Bombay At Nagpur)

AATHRAVA S/O ABHAY REWATKAR Petitioner(s)

VERSUS

MAHARASHTRA STATE BOARD OF SECONDARY
AND HIGHER SECONDARY EDUCATION & ANR. Respondent(s)

(IA No. 111642/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Ms. Ana Upadhyay, Adv.
Mr. Siddhesh Kotwal, Adv.
Mr. Divyansh Tiwari, Adv.
Mr. Nirnimesh Dube, AOR

For Respondent(s)

Mr. Sachin Patil, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

