

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 5544 OF 2018

Shaikh Amjad Shaikh Afsar.

Petitioner.

Versus

The State of Maharashtra and others.

Respondents.

Mr. Quadri Taher Ali, Advocate for the petitioner.

Mr. A.P. Basarkar, A.G.P. for the State/respondent No.1.

Mrs. Surekha Mahajan, Advocate for respondent Nos.2 and 3.

CORAM : **S.V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

Dated : **14th June, 2018.**

PER COURT :-

1. The petitioner had appeared for 12th Standard examination in February 2016 and secured 54% marks. Thereafter again the petitioner appeared in February 2017 for 12th Standard examination, the result of which is declared in May 2017.

2. According to the petitioner, he applied for submission of mark-sheet on 15.05.2018 of the examination which he had appeared in February 2017. The same is not given.

3. Ms. Mahajan, learned Counsel for respondent Nos.2 and 3 submits that the petitioner was required to give the application within a period of one month from the date of declaration of result. The application is delayed. Even with late fees the application can be accepted upto the period of six months from the date of declaration of result. As the petitioner failed to submit the application within time, his application is not considered.

4. We have considered the contentions. The facts are not disputed. It is also not disputed that upon the petitioner appearing for second time in February 2017 for 12th Standard examination, the mark-sheet could have been given to the petitioner within a period of six months from the date of declaration of result. However, certain circumstances are put-forth for the petitioner not being in a position to apply.

5. We had asked if there is any rule prohibiting issuance of mark-sheet after lapse of six months. It is submitted that there is no such provision prohibiting issuance of such mark-sheet.

6. Considering the fact that the petitioner improved upon his performance in the examination of February 2017, the petitioner may not be deprived of the mark-sheet only on the ground of procedural delay.

7. Considering the above, we pass the following order.
8. The petitioner shall submit/surrender his original mark-sheet which he has been given for the examination he has appeared in February 2016 of 12th Standard. Upon submission of the original mark-sheet of February 2016 of 12th Standard, the respondent-Authority shall give the original mark-sheet to the petitioner of the examination he has appeared in February 2017 for 12th Standard, by accepting the late fees and such other charges as permissible.
9. Writ Petition is disposed of. No costs.
10. Authenticated copy be given.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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