

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
115 WRIT PETITION NO.7810 OF 2021**

AKANKASHA CHANDRAKANT BIRADAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA THR SECRETARY
AND ANOTHER ..RESPONDENTS

...

Mr. Chandrakant D. Biradar, Advocate for the
Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

Ms. Surekha Mahajan, Advocate for Respondent No.2.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 02nd AUGUST, 2021.

PER COURT:-

1. Heard Mr. Biradar, learned counsel for the petitioner and Ms. Mahajan, learned counsel for respondent no.2.

2. The petitioner had appeared for HSC examination held in February-March-2019. The petitioner thereafter appeared for grade improvement in February-March-2020 for HSC examination. The result of the petitioner's examination was declared in April-2020. On or about 22.06.2021, the petitioner applied to respondent no.2 to issue statement of marks by accepting alternative form or grade improvement in respect of examination held in February-March-2020. The said request is negatived.

3. The learned counsel for respondent no.2 submits that considering the Covid-19 situation as a special case the time limit to submit the alternative form was extended upto 30.04.2021 for the examination held in February-March-2020. The petitioner submitted the application on 22.06.2021. As per Rule 10 of the Scheme for grade improvement action of the respondent may not be faulted with.

4. It appears that, for the year 2021, the exception was carved out by the Board and time to give alternative form was extended upto 30.04.2021. The petitioner applied on 22.06.2021. The exception was carved out by the Board itself to the guidelines considering the extraordinary situation prevalent because of Covid-19.

5. The situation as was existing in March-2021 was also existing upto June-2021.

6. Considering the torrid time the students were undergoing because of Covid-19 pandemic and that the Board also took cognizance of the same and had extended time upto 30.04.2021, we invoke our powers under Article 226 of the Constitution of India.

7. In light of the above, respondent no.2 may issue original certificate and mark-sheet of examination result of February-March-2020 to the petitioner on deposit of amount as per Rules and after the surrender of the original mark-sheet of February-March-2019 examination.

8. The petitioner shall immediately surrender the original mark-sheet of February-March-2019 of HSC examination. The respondent no.2 may also consider that, the petitioner requires the mark-sheet on or before 06.08.2021.

9. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-2021