

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

1005 WRIT PETITION NO. 8928 OF 2021

Samruddhi Sambhaji Padwal
U/g. of Sambhaji Vasantrao Padwal
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pravin B. Rakhunde, Advocate for the Petitioners.
Mr. A. R. Kale, AGP for Respondent No. 1.
Ms. S. P. Mahajan, Advocate for Respondent Nos. 2 and 3.

1006 WRIT PETITION NO. 8938 OF 2021

Prachi Dipak Dongare
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. R. D. Biradar, Advocate for the Petitioners.
Mr. P. K. Lakhotiya, AGP for Respondent No. 1.
Ms. S. P. Mahajan, Advocate for Respondent Nos. 2 and 3.

1009 WRIT PETITION NO. 9309 OF 2021

Dwarka Sunilkumar Bajaj
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Yuvraj R. Barhate, Advocate for the Petitioners.
Mr. A. R. Kale, AGP for Respondent Nos. 1 to 3.
Ms. S. P. Mahajan, Advocate for Respondent Nos. 4, 5 and 6.

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

DATED : 02nd September, 2021.

PER COURT:-

. The petitioners in all these writ petitions seek directions against the respondent/Board to declare the result of the 12th standard examination on the same lines as regular students by making internal evaluation as made for regular students on the basis of the Government Resolution dated 02.07.2021 which was made applicable for the examination scheduled in May 2021.

2. The learned counsel for the respective petitioners submit that all these petitioners have passed 12th standard examination conducted in February 2020. The petitioners are entitled for the benefit of class improvement. However, the examination for class improvement was not conducted in the year 2020. The learned counsel further submit that though students who had failed in the examination held in February 2020 have been given marks on the basis of internal assessment as per the Government Resolution dated 02.07.2021. The petitioners be accorded the same benefit. The petitioners cannot be treated differently. According to the learned counsel, the NEET examination is scheduled to be held on 12.09.2021 and CET exam is to be conducted from 13.09.2021. According to the learned counsel, the

respondents be directed to give the benefit of the Government Resolution dated 02.07.2021 to the petitioners.

3. Ms. Mahajan, learned counsel for the Board submits that the Board would allow the students like the petitioners who had passed 12th standard examination held in February 2020 to appear in the class improvement examination to be held by the Board in the last week of September and the same shall be considered as their first attempt. The learned counsel further submits that the benefit of the Government Resolution dated 02.07.2021 is accorded to those students who had failed in February 2020 examination. The petitioners cannot be said to be similarly placed. The petitioners have passed the examination. The learned counsel submits that the similar issue has been dealt with by the Division Bench of this Court at Nagpur in Writ Petition No. 2708 of 2021 under judgment and order dated 01.09.2021.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. The Government Resolution dated 02.07.2021 may not be applicable to the petitioners. The petitioners have passed the examination in February 2020 and are eligible for the class improvement examination. The petitioners are accorded the benefit of

the said. Their attempt would be considered as a first attempt. The petitioners cannot claim to be at par with those students who have been given benefit of the Government Resolution dated 02.07.2021. The said aspect is also considered by the Division Bench of this Court at Nagpur in Writ Petition No. 2708 of 2021 (supra).

6. Miss. Mahajan, learned counsel submits that taking into account the predicament of many students, the Board would endeavour to declare the result of the examination to be conducted in September 2021 as early as possible.

7. In the light of the above, writ petitions stand disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.