

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

1070 WRIT PETITION NO.9501 OF 2021

**SHAIKH MISBAH NAAZ ASADULLH
VERSUS
THE STATE OF MAHARASHTRA TROUGH THE SECRETARY AND
ANOTHER**

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Advocate for Petitioner : Mr. R.R. Bangar
AGP for Respondent 1/State : Mr. P.K. Lakhotiya
Advocate for Respondent 2 : Ms. Sayali Kulkarni h/f. Mrs. Surekha
Mahajan

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

DATED : 03/09/2021.

PER COURT :

. Heard Mr. Biradar, learned counsel for the petitioner and Ms. Sayali Kulkarni h/f. Ms. Mahajan, learned counsel for respondent no.2.

2. The petitioner had appeared for HSC examination held in February-March-2020. The petitioner thereafter appeared for grade improvement in November 2020 for HSC examination. The result of the petitioner's examination was declared on 23.12.2020. On or about 20.7.2021, 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 November-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 20.07.2021. 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 2020, the exception was carved out by the Board and time to give alternative form was extended upto 30.04.2021. The petitioner applied on 20.07.2021. The exception was carved out by the Board itself to the guidelines considering the extraordinary situation prevalent because of Covid-19. For examination held in February-March 2020 the petitioner had applied in November 2020 for improvement.

5. The situation as was existing in March-2021 was also existing upto July-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 for earlier examination, 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 November -2020 to the petitioner on deposit of amount as per Rules and after the surrender of the original mark-sheet of February-March-2020 examination.

8. The petitioner shall immediately surrender the original mark-sheet of February-March-2020 of HSC examination.

9. Writ Petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/