

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

WRIT PETITION NO. 10744 OF 2021

Shivani Vishwasrao Karhale .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Ravi R. Bangar, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for the Respondent No. 1.

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

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

DATE : 05TH OCTOBER, 2021.

FINAL ORDER :

. Heard Mr. Bangar, the learned advocate for the petitioner, Ms. Mahajan, the learned advocate for the respondent No. 2 and the learned Assistant Government Pleader for the respondent No. 1.

2. The petitioner appeared for the H.S.C. examination held in February/March 2019. The petitioner thereafter appeared for grade improvement in February/March 2020. The result of the petitioner's examination was declared on 26.06.2020. On or about 14.09.2021, the petitioner applied to the 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 same 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 14.09.2021. 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 14.09.2021. 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 2019 the petitioner had applied in February/March 2020 for improvement.

5. The situation as was existing in March-2021 was also existing upto September-2021 with certain relaxation.

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 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.

9. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 21