

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

WRIT PETITION NO. 9990 OF 2022

Mr. Pratik s/o. Bharat Mande

....Petitioner

Versus

**The Maharashtra State Board of
Secondary and Higher Secondary
Education, Pune and Another**

....Respondents

...
Mr. Kalyan Patil, Advocate h/f. Mr. S.R. Barlinge, Advocate for the
petitioner.

Ms. Nayana Patil, Advocate h/f. Ms. Surekha Mahajan, Advocate for
respondent No. 1.

...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

CLOSED ON : 30/09/2022

DELIVERED ON : 10/10/2022

ORDER : [PER ARUN R. PEDNEKER, J.]

1. The petitioner has filed the writ petition for following relief :-

A] By a writ of mandamus or any other appropriate writ or order or directions in the like nature, respondent No. 1 be directed to issue the marks memo of the examination of 12th science course held in March 2022, to the petitioner, as expeditiously as possible.

2. We have heard Advocate Kalyan Patil for the petitioner and Advocate Ms. Nayana Patil for respondent No. 1.

3. The petitioner had passed 12th science examination with an unsatisfactory score and thus, gave three consequent improvement

examinations. In the third improvement examination, the petitioner has performed better. However, the respondent – Board has not issued original mark-sheet to the petitioner and thus, has prayed for above relief from this Court.

4. On 07.10.2022 we have delivered the judgment in the case of **Omkar s/o. Dnyaneshwar Chavan Vs. The State of Maharashtra and others in Writ Petition No. 9192/2022**. The facts in **Omkar Chavan's** (*supra*) case are identical to the present case. The petitioner therein also prayed for release of the original mark-sheet for having appeared in the third improvement examination, which was legally imperssible.

5. In the aforesaid judgment, we have held that the petitioner is entitled for only two improvement examination as per the Board's policy and is not entitled for the third improvement examination and the Board is justified in not issuing the original mark-sheet for the third improvement examination.

6. The aforesaid judgment in **Omkar Chavan's** (*supra*) case is squarely applicable to the facts of the present case and accordingly, this petition is dismissed.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/