

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 656 OF 2022

Sahil Ganesh Shinde

..... Petitioner

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr.Mihir Desai, Senior Advocate, a/w. Mr.Swaraj S.Jadhav, i/b.
Mr.Mihir Joshi for the Petitioner.

Mr.N.K.Rajpurohit, A.G.P. for the State.

Mr.Aakash Kothari, i/b. Little & CO. for the Respondent no.2.

CORAM : A.S.CHANDURKAR &

G.A.SANAP, JJ.

DATE : 4TH MAY, 2022.

P.C:-

Rule. Rule made returnable forthwith and heard learned counsel
for the parties.

2. The petitioner has approached this Court praying that the mark-sheet issued to him by the 2nd respondent – Maharashtra State Board of Secondary and Higher Education be rectified after indicating the correct marks obtained by him in Standard XI and thereafter issue a

rectified mark-sheet for Standard XII.

3. According to the petitioner in view of the similarity of his name and surname with that of respondent no.5 who was also pursuing education in the same class, the aforesaid error has occurred.

4. On 10th February, 2022, this Court had directed the representative of the petitioner and the representative of the Education Institution to attend the Office of the Secretary of the Secondary and Higher Secondary Education Board. This was for enabling the Secretary to examine the relevant marks secured by both the students. Accordingly, the Secretary examined the documents produced by all the parties on 22nd February, 2022 and has thereafter found that the petitioner is entitled to revision of his marks from 84.67% to 91.50%. At the same time, the marks of the respondent no.5 are to be rectified from 83.50% to 75.67%. Copy of the aforesaid minutes are taken on record and marked 'A' for identification.

5. The learned counsel for the 2nd respondent further submits that the 5th respondent has in fact given his no objection to the rectification of the marks in the aforesaid manner.

6. In light of aforesaid, following order is passed :-

(a) The writ petition is allowed in terms of prayer clause (b) which reads as under :-

(b) The Hon'ble Court may be pleased to issue a writ of Mandamus or a writ, order or direction in the nature of Mandamus or any other writ or order or direction directing the Respondent No.2 to rectify the marks obtained by the Petitioner for XIIth Standard by considering the marks obtained by him for XIth Standard as 81% and to issue a rectified Marksheet and Certificate to the Petitioner for XIIth Standard.

(b) The 2nd respondent is accordingly directed to issue rectified mark-sheet to the petitioner as well as to the 5th respondent in terms of what has been recorded in the minutes dated

22nd February, 2022. Same be done within a
period of 15 days from today.

7. The writ petition is allowed in the aforesaid terms. Rule is made
absolute with no order as to costs.

[G.A.SANAP, J.]

[A.S.CHANDURKAR, J.]