

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9768 OF 2024

Ms. Shaikh Zainab Fatma Mohd. Ajaz	]	
Student, R/of Dharavi, Mahim, Mumbai.	]	.. Petitioner
<i>Versus</i>		
1. State of Maharashtra,	]	
Through Government Pleader	]	
2. Maharashtra State Board of Secondary	]	
and Higher Secondary Education, Pune	]	
Through Divisional Board at Mumbai	]	
3. Anjuman-I-Islam's Dr. M.I.J. Girls Jr. College	]	
of Science and Commerce, Bandra, Mumbai	]	.. Respondents

Mr. M.S. Adenwala, Advocate for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader, with Smt. M.S. Srivastava, Assistant Government Pleader, for Respondent No.1-State of Maharashtra.

Mr. Kiran Gandhi, Advocate, i/by Little & Co., for Respondent No.2.

Mr. Moin Chowdhari, i/by Mr. Arvind Kothari, Advocates for Respondent No.3.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 11TH JULY, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard learned counsel for the parties. Mr. Kiran Gandhi, learned counsel waives notice for respondent no.2. Mr. Moin Chowdhari, learned counsel waives notice for respondent no.3.

2. The petitioner, a student of Class 12th, appeared for 12th Standard re-examination in July 2023. This is for the reason that in the earlier

examination conducted in February – March 2023, she could secure 56.17% marks. In the subsequent examination, she secured 60% marks. The petitioner failed to collect the mark-sheet pursuant to declaration of the results in August 2023. Since the mark-sheet was not released to her, she has approached this Court.

3. Mr. Kiran Gandhi, learned counsel appearing for respondent no.2 submits that under Clause 9.6 of the Board Regulations, a student is required to collect the mark-sheet within a period of two months of the results being declared. Since the petitioner has failed to do so, the mark-sheet has not been released to her.

4. Having heard the learned counsel for the parties and having perused the averments made in the Writ Petition, we do not find that there is any deliberate act on the part of the petitioner in not collecting the mark-sheet earlier. We are therefore inclined to direct the 2nd respondent to release the petitioner's mark-sheet pursuant to her appearing in July 2023 examination vide Roll No.M006456. Accordingly, the Writ Petition is disposed of by directing the 2nd respondent to release the petitioner's mark-sheet subject to payment of requisite charges and also returning the earlier original mark sheet to respondent no.2. Rule accordingly. No costs.

5. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]