



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 16196 OF 2023

Sharma Aryan Rajesh ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

**Mr Subhash Bhalwal, with Kundanlal Patil, i/b Vyas & Bhalwal, for
the Petitioner.**
Mr SB Gore, AGP, for the Respondents-State.

**CORAM G.S. Patel &
Neela Gokhale, JJ.**
DATED: 7th August 2023

PC:-

1. **Rule.** Returnable forthwith. Respondents are served.

2. Prayers (a) and (b) read thus:

“(a) This Hon’ble Court may be pleased to call for the records of the Petitioner from Respondent No.2 and after being satisfied, direct the Respondent No.2 to issue original HSC improvement Examination Result Mark Sheet, for examination held in February/March 2020 being Ex. “C” hereto, against surrender of old mark sheet of 1st attempt Mark Sheet of 2019, being Ex. “B” hereto;

(b) That this Hon'ble Court may condone the delay in submission of 1st attempt mark sheet of 2019 on due date with Respondent No.2, being Ex. "B" hereto."

3. The Petitioner is a 22-year-old engineering student. He petitions this Court through his mother for the reliefs that we have set out above.

4. The facts do not appear to us to be capable of any controversy. In February 2019, the Petitioner passed his HSC examinations in science. He did not do well. He scored 61.54%. He was ineligible for engineering. In February or March 2020, he appeared for the HSC Improvement Examination. It was his ambition to pursue an educational career in Computer Engineering. In this Improvement Examination, he scored 76.10%. A soft copy of the HSC mark sheet was issued to him.

5. And then, as everybody knows, the unthinkable happened. We had the pandemic and the lock-down. The Petitioner and his entire family returned to District Hamirpur, Himachal Pradesh. There was hardly any connectivity either by telephone or even by email. To get his physical HSC Improvement mark sheet, the Petitioner would have had to surrender his old mark sheet. But in that lock-down situation, he could neither travel nor, due to inadequate connectivity, make any attempt to do so online.

6. The Petitioner has now gained admission to the Vellore Institute of Technology in Bhopal. He must apply for placement and

campus selection. If he misses this opportunity, he will lose his chance to gain an engineering degree.

7. The Petitioner's mother visited the office of the 2nd Respondent, the Maharashtra State Board of Secondary and Higher Secondary Education, Pune. She was apparently told that since the old mark sheet had not been returned in time, nothing could be done, and the improvement mark sheet could not now be given to him.

8. This is most unfortunate. Some regard must be had to the situation that prevailed in this country from March 2020 onwards for a long time. Nobody expected that entire cities would be literally shut down or that persons would have to return great distances to their villages and hometowns. Surely these are matters that are sufficiently extraordinary and warrant the exercise of some appropriate discretion.

9. We understand the 2nd Respondent's dilemma. It cannot set a precedent because it will be inundated with all kinds of applications, many not genuine. We do not find fault with the 2nd Respondent itself *per se*. But we exercise our own discretion in the facts and circumstances of the case and make Rule absolute in terms of prayer clauses (a) and (b).

10. We direct the Maharashtra State Board of Secondary and Higher Secondary Education, Pune to accept the surrender of the Petitioner's old mark sheet and to issue the mark sheet of the first

HSC re-examination attempt of 2019, and a copy of which mark sheet is at Exhibit 'B' to the Petition.

11. The officers of the 2nd Respondent will act on production of an authenticated copy of this order and will issue the necessary fresh mark sheet at the earliest possible and, in any event, by Friday, 11th August 2023.

12. The Petition is disposed of in these terms with no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)

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DATTATRAYA
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