

**Pdp**

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

PUBLIC INTEREST LITIGATION (ST) NO. 10761 OF 2021

Dhananjay Raghunath Kulkarni	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

**WITH
INTERIM APPLICATION (ST) NO. 10955 OF 2021
IN
PUBLIC INTEREST LITIGATION (ST) NO. 10761 OF 2021**

The State of Maharashtra	}	Applicant
In the matter between		
Dhananjay Raghunath Kulkarni	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

**WITH
INTERIM APPLICATION (ST) NO. 10954 OF 2021
IN
PUBLIC INTEREST LITIGATION (ST) NO. 10761 OF 2021**

Mrs. Mansi B. Rane nee Swati	}	
D. Sawant and Anr.	}	Applicants
In the matter between		
Dhananjay Raghunath Kulkarni	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

**WITH
INTERIM APPLICATION (ST) NO. 10935 OF 2021
IN
PUBLIC INTEREST LITIGATION (ST) NO. 10761 OF 2021**

Shri.Rishan Asim Sarode	}	Applicant
In the matter between		
Dhananjay Raghunath Kulkarni	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents



**WITH
INTERIM APPLICATION (ST) NO. 10854 OF 2021
IN
PUBLIC INTEREST LITIGATION (ST) NO. 10761 OF 2021**

Anubha Shrivastava Sahai	}	Applicant
In the matter between		
Dhananjay Raghunath Kulkarni	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

Dr.Uday Prakash Warunjikar with Mr.Siddhesh Pilankar
Mr.Sumit S.Kate and Vaishnavi M.Gujarathi for the
petitioner.

Mr.Anil C.Singh, Additional Solicitor General with Mr.Aditya
Thakkar and Mr.D.P.Singh for Respondent-Union of India.

Mr.A.A.Kumbhkoni, Advocate General with Mr.P.P.Kakade,
Government Pleader, Mr.Ashutosh M.Kulkarni (Special
Counsel), Mr. M. M. Pable, AGP, Mr.Gaurav Sharma and
Mr.Manoj Badgajar for Respondent no.2.

Mr.Kiran Gandhi i/b Little & Co.for Respondent no.3.

Mr.Prateek Kothari with Ms.Ankeeta Chordia, Ms.Gerry
Arathoon, Ms.Sangeeta Bhatia and Mr.Richardo Soler i/b
IC Legal for Respondent No.4 (CISCE).

Mr.Mihir Joshi for Respondent No.5 (CBSE).

Ms.Madhaveshwari Mhase with Mr.Vinod Sangvikar,
Ms.Vaishnavi Gholave and Ms. Shakuntala Sangvikar for
the applicant in IAST/10854/2021.

Mr.Harshad Bhadbhade with Mr.Saurabh Butala for the
applicants in IAST/10954/2021.

Mr.Ajinkya Mohan Udane with Mr. Asim Suhas Sarode for
the applicant in IAST/10935/2021.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- JUNE 3, 2021

PC :-

1. The Secondary School Certificate Examination, 2021, to be conducted by the Maharashtra State Board of Secondary & Higher Secondary Education (hereafter "the Board", for short) has been cancelled by Government Resolution dated May 12, 2021. Such resolution forms the subject matter of the challenge in this PIL petition, as amended.

2. In course of hearing, we have heard Mr. Kumbhakoni, learned Advocate General for the State of Maharashtra to submit, on behalf of the State as well as for the Board, that irrespective of the authorities conducting public examinations at the Secondary (Class-X) level, i.e., the Central Board of Secondary Education (CBSE) or the Council for the Indian School Certificate Examination or the International Board, with which a student may be registered, if he/she is declared "Passed" Class-X and is willing to participate in the Common Entrance Test (CET) to be conducted later this year by the State, he/she shall be allowed to so participate.

3. Having regard to such statement of the learned Advocate General, Dr. Warunjikar, learned advocate for the petitioner, does not wish to proceed with this PIL petition any further. He has, however, made a prayer before us that since the subsequent Government Resolution dated May 28, 2021

[Announcement regarding the evaluation procedure for the Secondary School Certificate Examination (10th Standard) for the Academic Year 2020-21] does not appropriately lay down the procedure for assessment/evaluation of students, who were otherwise required to participate in the Secondary (Class-X) Examination 2021 to be conducted by the Board for being declared as "Passed", the liberty of the petitioner to challenge such Government Resolution by instituting fresh proceedings may be reserved.

4. Having heard learned advocates for the parties, we dismiss this PIL petition as withdrawn. There shall be no order as to costs.

5. If the petitioner is so advised, he shall be at liberty to question the Government Resolution dated May 28, 2021 referred to above in appropriate proceedings in accordance with law.

6. In view of the aforesaid order, nothing survives for decision on the Interim Applications. The same stand disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)