

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. OF 2020

(PIL CJ-LD-VC-18-2020)

Arvind Tiwari ... Petitioner

VS

Union of India & Others ... Respondents

Mr.Arvind Tiwari, present in person

Mr.A. A. Kumbhkon, Advocate General with Ms.P.H.Kantharia, Government Pleader with Ms.Jyoti Chavan AGP and Mr.Manish Upadhye, AGP for the Respondent-State.

Mr Anil C. Singh, ASG, a/w Mr Sandesh Patil and Mr D. P. Singh for Union of India.

Mr.Darius Khambata, Senior Counsel a/w Mr.Pratik Kothari a/w
Mr.Hemant Shah i/b IC Legal for Respondent No. 2

Mr.Karl Tamboly a/w Mr.Malcom Singanporia, Ms.Kausar Banatwala and Ms.Gauri Sakhardande i/b Mr.Tushar Goradia for Intervenor

CORAM: DIPANKAR DATTA, CJ. & S.S. SHINDE, J.

DATED: JUNE 15, 2020

P.C.:

1. We have heard the parties.

2. Mr.Khambata, learned Senior Counsel for the Respondent No.2, has placed before us a decision taken by it, which encapsulates several options for the examinees of the 2020 Class X as well as Class XII examinations. Apart from physical appearance to write the examinations, the decision also gives an option to an examinee, who is not willing to write the examination physically, to have his result completed on the basis of marks obtained by him at the pre-Board examination / internal assessment and also upon taking into account the marks awarded to him in the papers which he has already written. As per such decision, the options have been invited by June 22, 2020 for the Respondent No.2 to take further steps in the matter.

3. The decision *prima facie* appears to us to be fair and reasonable. However, we wish not to close the matter here and now having regard to the importance of the issue involved in this PIL Petition.

4. We request the Respondent No.2 to forward the decision to all the Principals of schools affiliated to such respondent with an

instruction to share it with the parents of the students on the rolls of such schools. That apart, paper publication be made in a Marathi, English and Hindi daily, tomorrow, giving a gist of the decision for information of all concerned. Any suggestion which is placed before the Respondent No.2 as well as before us, is proposed to be considered on **Wednesday (17th June, 2020) at 10.45am.**

5. By tomorrow, the State of Maharashtra shall indicate its stand on consideration of the decision of the Respondent No.2 by filing an affidavit.

6. We have been informed that a number of Intervention Applications have been filed. We direct listing of all such applications on the next date. The Intervention Applications shall be served on the Respondent No.2 by close of working hours today, positively.

S.S. SHINDE, J.

CHIEF JUSTICE