



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 11717 OF 2026 (EDN-RES)

BETWEEN:

1. SAHANA R. NAIK,
D/O. RAJANAYAKA S.R.,
AGED ABOUT 15 YEARS,
MINOR BY GUARDIAN FATHER,
RAJANAYAKA S.R.,
R/A NO.16, S.L.TANEDYA,
SINGATGERE HOBLI,
P.O.SOMANAHALLI,
KADUR TALUK,
CHIKMAGLUR DISTRICT - 577 148.
2. ANUSHA,
D/O. VITTAL KULAI,
AGED ABOUT 16 YEARS,
MINOR BY GUARDIAN FATHER,
VITTAL KULAI, R/A NO.4-45,
ANUGRAHA, HINKLADI PETHRI,
CHERKADI,
UDUPI - 576 215.
3. SUDHIKSHA,
D/O. RAVI,
AGED ABOUT 15 YEARS,
MINOR BY GUARDIAN,
MOTHER SUNANDA,
R/A. NO.BADAGUDDE, HEBRI,





HEBRI POST,
UDUPI DISTRICT - 576 112.

...PETITIONERS

(BY SRI. R.V. NAIK., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY IT
CHIEF SECRETARY,
3RD FLOOR, VIDHANA SOUDHA,
BENGALURU - 560 001.
2. STATE OF KARNATAKA,
REPRESENTED BY SECRETARY,
MINISTRY OF PRIMARY AND
SECONDARY EDUCATION,
VIDHANA SOUDHA,
BENGALURU - 560 001.
3. KARNATAKA SCHOOL EXAMINATION AND
ASSESSMENT BOARD,
REPRESENTED BY CHAIRPERSON KSEAB,
6TH CROSS, MALLESHWARAM,
BENGALURU - 560 003.

...RESPONDENTS

(BY SRI.H.K.KENCHEGOWDA, AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO (A) THAT THIS HONBLE COURT BE PLEASED TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION DIRECTING THE 3-RESPONDENT TO STRICTLY FOLLOW THE REVISED CIRCULAR NO. A8(MIS)/13/2025/E-63418 DATED 28-10-2025 ISSUED BY THE CHAIRMAN, KARNATAKA SCHOOL EXAMINATION AND



EVALUATION BOARD, IN THE INTERESTS OF JUSTICE AND EQUITY AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Learned AGA accepts notice for respondents.

2. This petition is filed by the students who had appeared for Secondary School Leaving Certificate (SSLC) Examination held during 18.03.2026 to 02.04.2026, urging the grievance that the respondents be directed to follow the Circular dated 28.10.2025 (Annexure-C) issued by respondent-Board with regard to valuation of marks of the students.

3. Heard the learned counsel appearing for the parties.

4. Sri R.V.Naik, learned counsel appearing for the petitioners expressed apprehension about the recent remark made by Hon'ble Minister for Primary and Secondary Education regarding introducing the grading system in the valuation of SSLC examination.



5. Per contra, Sri H.K.Kenchegowda, learned AGA submits that valuation for the SSLC examination will be conducted as per the circular prevailing as on today.

6. In that view of the matter, the respondents are directed to conduct the valuation of recently conducted examination for SSLC as per the existing rules which was prevailing as on the date of the issuance of notification as to the examination for the academic year 2025-26. It is also to be noted that, the respondent- state shall not change the procedure as to valuation without there being existence of the rules/ circular issued on the date of issuance of the notification to conduct examination. It is well settled principle in law that, there shall not be any change in the rules of the game in the midway and implies stability or a strict adherence to the guidelines or rules issued at the time of starting of the game.

7. The Division Bench of this Court in the case of **NAVEEN KUMAR N. AND OTHERS Vs. KPTCL AND OTHERS** reported in **2025 SCC OnLine KAR 1617** at paragraph Nos.27 to 38 held as follows:



"27. It is contended by the private respondents that around 18,000 candidates appeared for the 2024 examination, and the results were announced with negative marking; only 12 candidates have approached this Court. Hence, it is argued that public interest prevails over individual rights, and the 2024 examination should not be cancelled. This submission is, however, superfluous.

28. If an examination is required to be conducted, it must be held in accordance with the prescribed rules, regulations, terms, and conditions. An examination conducted otherwise is unsustainable. The number of candidates who have brought the cause before the Court is immaterial; what matters is the cause itself. Once it is established that the examination was not conducted in compliance with the required rules and regulations, the validity of such examination can be examined, regardless of the number of candidates who participated or the consequences of declaring such examination invalid.

29. The consequences of invalidating the examination and directing a re-examination, and any inconvenience caused to individuals or the administration, are irrelevant. The sole concern of this Court is to remedy the injustice.

*30. The judgment in **Karunesh Kumar** (supra) is not applicable to the facts of the present case. However, it is pertinent to note that the principle underlying the prohibition against altering the "rules of the game" once the game has commenced is reiterated therein.*



31. *Learned Single Judge, upon comparison of the admission tickets and question booklets of the 2018 and 2024 examinations, observed that the 1/3rd negative marking prescribed in 2018 was absent in 2024. Nevertheless, the learned Single Judge proceeded to hold that the 2024 examination was merely a re-examination of the 2018 examination. Since the 2018 examination explicitly notified candidates of negative marking in the admission ticket and question booklet, it was inferred that the re-examination was also subject to the same negative marking condition. Further, it was held that non-application of negative marking would amount to changing the rules of the re-examination. The learned Single Judge also held that candidates who participated unsuccessfully in the re-examination were not entitled to challenge the applicability of negative marking.*

32. *The aforesaid findings run contrary to the settled legal principle that the rules of the game cannot be altered after the game has commenced or concluded. The learned Single Judge failed to appreciate that the admission ticket and question booklet of the 2018 examination expressly provided for negative marking, whereas the corresponding documents for the 2024 examination, although specifying certain instructions, were silent on the condition of negative marking. Moreover, there was no reference, either express or implied, to the applicability of the 2018 conditions to the 2024 examination.*

33. *An important aspect overlooked by the learned Single Judge is that the conditions contained in the 2018*



admission tickets and question booklets ceased to have operative effect once that examination concluded. Once the admission ticket and question booklet for the re-examination were issued with new conditions, and in the absence of any express enabling provision, the applicability of negative marking cannot be inferred from the conditions of the 2018 examination or from the practice of KPCL.

34. *As observed earlier, negative marking is a substantive condition which substantially affects the candidate's approach to answering the examination and has significant repercussions on the selection process. Such a condition ought to be expressly stipulated either in the rules, regulations, or administrative instructions. In the absence of any such express provision, it is untenable to presume the existence of such a condition. The learned Single Judge committed an error in not appreciating these crucial aspects.*

35. *The order of the learned Single Judge suffers from a fundamental error in its finding regarding the entitlement of candidates to approach the Court after the examination. The examination was conducted on 18.02.2024. However, it was only on 08.05.2024 that the respondent issued a press release along with the Provisional Score List, and subsequently on 12.06.2024, issued another press release along with the Final Score List, wherein negative marking was notified for the first time. By that time, the examination had already been completed. The condition of negative marking ought to have been notified prior to the conduct of the examination.*



36. *The cause of action to challenge the application of negative marking necessarily arose only after the candidates had participated in the examination and the scores were declared with negative marking applied. The candidates could not have been reasonably expected to presume the applicability of negative marking at a date subsequent to the completion of the examination. The imposition of negative marking after the examination is a subsequent development, which causes prejudice to the candidates' rights. Consequently, the candidates were entitled to seek redressal of their grievance through appropriate proceedings. Therefore, the writ petitions filed by the candidates, irrespective of whether they were successful or unsuccessful in the examination, were fully justified.*

37. *The learned advocates for the appellants have submitted that Respondent No. 3 be directed to re-compute the Score List of the examination conducted on 18.02.2024 without deducting marks for negative marking. This submission cannot be accepted. There is no challenge to the imposition of negative marking per se. The examination held on 21.01.2018, in which the appellants participated, was conducted with negative marking. The appellants were required to reappear in the 2024 examination following the cancellation of the 2018 examination. The Court has not examined the correctness or necessity of imposing negative marking, and any such exercise would be purely academic. The Court is, however, inclined to issue a direction for conducting the re-examination with negative marking for the additional reason that Respondent No. 1 has*



consistently pleaded that it had applied negative marking in all its previous recruitment examinations by expressly providing such a condition. In light of this settled practice as pleaded, the Court finds no justification to direct Respondent No. 1 to prepare the Score List without applying negative marking.

38. *The Court makes it clear that its interference with the application of negative marking in the 2024 examination is solely on the ground that such condition was not notified to the candidates prior to the examination, but was imposed only after the examination had concluded. The Court's interference is grounded in the principle that the imposition of an additional condition of negative marking after the examination amounts to a change in the "rules of the game," which has been consistently held by the Hon'ble Supreme Court to be impermissible. The court has not examined the validity of imposing negative marking."*

8. Following the declaration of law made in the aforementioned appeals, likewise, the rules which was prevailing as on the date of the issuance of the notification for conducting the examination for the academic year 2025-26 shall prevail and any subsequent modification is contrary to the Article 14 of the Constitution of India.



9. With these observations, the writ petition is disposed of.

**SD/-
(E.S.INDIRESH)
JUDGE**

SNB
List No.: 2 Sl No.: 23