

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

Thursday, the 8th day of June 2023 / 18th Jyaishta, 1945
WP(C) NO. 18077 OF 2023(H)

PETITIONERS:

1. JEFFIN JOSE T. (MINOR), REP. BY FATHER GUARDIAN – JOSE SEBASTIAN T.K., ANRA 3, THALAKKOTTOOR HOUSE, AISWARIA NAGAR, WEST FORT, THRISSUR - 680 004 and 32 others

RESPONDENTS:

1. THE CENTRAL BOARD OF SECONDARY EDUCATION, REP. BY ITS SECRETARY, SIKSHA KENDRA, 2 COMMUNITY CENTRE, PREET VIHAR, NEW DELHI - 110 092 and 4 others

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to (a) direct the respondents 1 to 3 to enable the 4th respondent to correct the anomaly/mistake committed by them in the matter of uploading the marks for Mathematics Practicals of the petitioners in Plus Two [AISSCE] Board Examination, pending disposal of the above Writ Petition (Civil), (b) direct the 5th respondent to extend the time limit for the petitioners to upload the Plus Two Examination marks secured by them for the Entrance examination (KEAM-2023), pending disposal of the above Writ Petition (Civil)

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 07.06.2023 and upon hearing the arguments of M/S. K.I.MAYANKUTTY MATHER, JAYKAR.K.S. & S.PARVATHI, Advocates for the petitioners and of M/S. A.A.SHIBI, SOJAN JOB, DR.ADISH C.AGGARWALA (B/O) & JAYESH K UNNIKRISHNAN, Advocates for R4 and of Government Pleader and Standing Counsel, the court passed the following:

P.V.KUNHIKRISHNAN-----
W.P.(C) No.18077 of 2023
-----Dated this the 8th day of June, 2023**ORDER**

This writ petition is filed with the following prayers:-

“(a) Issue a writ of mandamus or other appropriate writ or order directing the respondents 1 to 3 to correct the anomaly crept in the internal/practical marks for Mathematics awarded by the 4th respondent school to the petitioners as highlighted through the representations evidenced by Ext.P4 to P6 and Ext. P8 to Ext.P11 forthwith and to issue fresh mark lists to the petitioners incorporating the correct marks secured by the petitioners for Mathematics practicals/internal.

(b) Issue a writ of mandamus or other appropriate writ or order directing the 5th respondent to extend the time limit for the petitioners to upload the Plus Two Examination marks secured by them for the Entrance examination (KEAM-2023).

(c) Grant such other reliefs that this Hon'ble Court deem fit to grant under the facts and circumstances of the case.” (SIC)

2. When this writ petition came up for consideration on 02.06.2023, this Court issued notice by Special Messenger to the 4th respondent and directed the

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Government Pleader and the Standing Counsel of CBSE to get instructions.

3. On 05.06.2023, this Court passed the following order:-

“The 5th respondent will give three days more time to upload the mark of the qualifying examinations in the peculiar facts and circumstances of this case.

In the meanwhile, the 4th respondent-school in consultation with CBSE should redress this grievance. If it is not redressed, this Court will be forced to cancel the recognition of the school. I make it clear that this order is applicable only to the petitioners in this writ petition.

Hand over a copy of this order to the counsel appearing for the 4th respondent.

Post on 07.06.2023.”

4. Again when the matter came up for consideration on 07.06.2023, this Court passed the following order:-

“Dr.Adish C.Aggarwala, the learned Senior Counsel instructed to appear for the 4th respondent, submitted that the School Authorities already approached the CBSE Authorities for making the corrections, and the CBSE Authorities assured that the necessary steps will be taken today itself.

2. I am of the considered opinion that the CBSE also should take necessary steps thinking the future of the students. Admittedly there is mistake on the part of the School. For the mistake of the School Authorities,

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the students should not suffer

3. The learned Senior Counsel also submitted that the School Authorities requested the CBSE to allot double marks. The CBSE will do the needful in accordance with law, today itself.

4. Post on 08.06.2023 as the first item.

Interim order is extended till then.

Issue a copy of this order to the learned counsel appearing for the CBSE and the learned counsel appearing for the 4th respondent.”

5. Today, the learned Standing Counsel appearing for the CBSE submitted that the competent authority of the Board has considered the request of the school for revision of internal assessment marks in the Mathematics and decided to give marks on pro rata of the theory marks. It is also informed that the 25 students' internal assessment marks have been increased positively whereas 3 students' internal assessment marks are decreased. However, the same was not given effect treated as no change in the interest of the student. Other 5 students were not changed any mark on pro rata basis is the submission.

In the light of the above submissions, I am of the considered opinion that the petitioners should be allowed to upload the modified marks in the KEAM Candidate portal.

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The petitioners shall do the same today itself before 3.00pm today. All the other contentions raised by the petitioners in this writ petition are left open and that can be decided when the writ petition is finally heard.

Post on 22.06.2023.

Sd/-

P.V.KUNHIKRISHNAN

JUDGE

bng



APPENDIX OF WP(C) 18077/2023

- Exhibit P4** TRUE COPY OF THE REQUEST DATED 16.05.2023 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE 2ND RESPONDENT
- Exhibit P5** TRUE COPY OF THE REQUEST DATED 18.05.2023 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE JOINT SECRETARY, CBSE OF THE 1ST RESPONDENT
- Exhibit P6** TRUE COPY OF THE SCREEN SHOT OF THE E-MAIL DATED 18.05.2023 SENT BY THE 4TH RESPONDENT TO THE 1ST RESPONDENT
- Exhibit P8** TRUE COPY OF THE SCREEN SHOT OF THE EMAIL COMMUNICATION DATED 22.05.2023 SENT BY THE 4TH RESPONDENT TO THE 1ST RESPONDENT
- Exhibit P9** TRUE COPY OF THE LETTER ADDRESSED DATED 23.05.2023 BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT
- Exhibit P10** TRUE COPY OF THE SCREEN SHOT OF THE SAID EMAIL COMMUNICATION DATED 26.05.2023 SENT BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT
- Exhibit P11** TRUE COPY OF THE LETTER DATED 29.05.2023 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT

