

ITEM NO.11+35

Court 3 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1240/2021

ABHYUDAY CHAKMA & ORS.

Petitioner(s)

VERSUS

CENTRAL BOARD OF SECONDARY EDUCATION & ORS.

Respondent(s)

(FOR ADMISSION and IA No.146310/2021-EX-PARTE STAY and IA No.146312/2021-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

W.P.(C) No. No(s). 1081/2021

(FOR ADMISSION and IA No.124448/2021-APPROPRIATE ORDERS/DIRECTIONS...
IA No. 126173/2021 - APPLICATION FOR PERMISSION

W.P.(C) No. 1060/2021 (X)

(FOR ADMISSION and IA No.121825/2021-EXEMPTION FROM FILING O.T. and IA No.121824/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1131/2021 (X)

(FOR ADMISSION and IA No.132148/2021-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 1135/2021 (X)

(FOR ADMISSION and I.R. and IA No.132693/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 18-11-2021 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties :

Mr. Sanjay Hegde, Sr.Adv
Mr. Sumanth Nookala, AoR
Mr. Suvidutt M.S., AOR
Mr. Ravi Prakash, AOR
Mr. Tushar Mehta, SG
Mr. Rupesh Kumar, AOR
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.
Mr. Nagamuthu, Sr Adv.
Mr. Y. Arunagiri, Adv.
Mr. Sudhaharan, Adv.
Mr. P. Soma Sundaram, AOR
Mr. Suvidutt M.S., AOR
Ms. Anu B., Adv.
Ms. Vijayalakshmi Raju, Adv.

Ms. Dhanya, Adv.
Mr. Ravi Prakash, AOR
Ms. Mamta Sharma, Adv.
Ms. Vagisha Nandini, Adv.
Mr. Sandeep Malik, Adv.
Mr. Inderjeet Singh, Adv.
Mr Mehul Gupta, Adv.
Mr. Nagendra singh, Adv.
Mr. Ronak Karanpuria, AOR
Mr. Rupesh Kumar, AOR
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition(s)(Civil) No(s). 1240/2021

This petition has been filed on 10th October, 2021 (as per the stamped endorsement on the paper book) questioning the decision of the CBSE/ICSE/ISC to conduct off-line mode examinations for X and XII class students.

It is urged that multiple options were available and in fact contemplated by the authorities as can be discerned from the Circular issued by CBSE dated 5th July, 2021 (Annexure P-1). One of the options was to conduct MCQ based examinations online from home. That may be so. However, as the CBSE examinations have already commenced from 16th November, 2021 and of ICSE/ISC will begin on 22nd November, 2021, it would be inappropriate to intervene and disturb the entire process at this stage.

As noted earlier, this petition was filed in October, 2021, but was listed for the first time for hearing on

15th November, 2021, on which date, it was deferred with liberty to the petitioners to serve advance copy of the petition on the standing counsel for the respondents.

Mr. Tushar Mehta, learned Solicitor General appearing for CBSE has pointed out that necessary steps have been taken for conducting off-line mode examinations (which have already commenced from 16th November, 2021). Amongst others, only 12 students per class are being permitted instead of earlier number of 40 per class. Commensurately, the examination centres have been increased from 6,500 to 15,000. That has inevitably reduced the distance for the students by bringing the examination centres closer to their homes. More importantly, the examination time has also been suitably reduced from three hours to only ninety minutes. He further submits that all these measures have been taken to ensure that the students appearing in the examination and other duty holders are not exposed to untoward situation. Besides this broad measure, strict adherence to Covid Appropriate Behaviour and Covid Protocol is being observed by one and all at the examination centres. In case, there is any shortcoming at any particular centre, that can be brought to the notice of the In-

charge of the centre by the concerned persons. Instructions have been issued to take remedial and corrective measures, in case of such reporting.

Suffice it to observe that at such a belated stage, it is not appropriate to intervene in exercise of writ jurisdiction under Article 32 of the Constitution of India.

We, however, hope and trust that the authorities will take all precautions and measures to ensure that student(s) appearing in the concerned examination including the duty holders are not exposed to untoward situation, as has been assured across the Bar by the learned Solicitor General. Besides this, nothing more is required to be said in this order.

The writ petition and the accompanying applications are disposed of in the above terms. The impleadment application is also disposed of with liberty to the applicant to pursue the pending writ petition before the High Court of Judicature at Madras. We are not dealing with other issues raised therein.

Writ Petition(s)(Civil) No(s). 1081/2021

Considering the fact that the scheme provides for

Dispute Resolution Mechanism, as can be discerned from Circular dated 8th August, 2021; and the dispute raised by the petitioners would be covered under modality for addressing - Type 4 disputes, as an interim direction we direct the concerned Committee to examine the grievance of the petitioners afresh and record reasons for rejecting or accepting the contention raised by the petitioners for questioning allocation/ rationalization of marks given to them. That be done within two weeks from receipt of copy of this order.

The petition filed in this Court be treated as representation and the grounds raised therein be dealt with appropriately by the Committee within such time.

List the matter on 6th December, 2021.

W.P.(C) No. 1060/2021

Having gone through the affidavit of respondent No. 2 (CBSE) and the Committee Report dated 28th October, 2021 (appended thereto), it is noticed that the grievance of the petitioners has been redressed and reasons have been recorded by the Committee. We place on record the fact noted in the report that the petitioners at serial nos. 1

to 5 had intentionally absented themselves from the examinations conducted by the school.

As regards the grievance of the petitioners of not conducting online classes by the school, CBSE has nothing to do with that grievance. It is open to the petitioners to pursue remedy in that regard against the school concerned. That be decided in accordance with law.

Nothing more is required to be said in this petition.

The writ petition is dismissed.

W.P.(C) No. 1131/2021 and W.P.(C) No. 1135/2021

Counsel for the petitioner(s) are permitted to serve an advance copy of the petition(s) to the Central Agency and standing counsel for the CBSE.

List the matters along with W.P.(C) No.1081/2021 on 6th December, 2021.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER