

**IN THE SUPREME COURT OF INDIA**  
CIVIL ORIGINAL JURISDICTION

**WRIT PETITION (C) NO. OF 2021**  
**(A PUBLIC INTEREST LITIGATION)**

IN THE MATTER OF:

**ANUBHA SHRIVASTAVA SAHAI**  
**& ORS**

**...PETITIONERS**

**VERSUS**

**UNION OF INDIA & ORS**

**... RESPONDENTS**

**I.A.NO. OF 2021**  
**APPLICATION FOR EXEMPTION FROM FILING**  
**ATTESTED COPY OF AFFIDAVIT.**

**PAPERBOOK**

(Kindly See Inside For Index)

**ADVOCATE FOR THE PETITIONERS:**  
**SHASHIBHUSHAN P ADGAONKAR**

INDEX

SL No	Particulars	Page No. of part to which it belongs		Remarks
(i)	(ii)	(iii)	(iv)	(v)
		Part I (Contents of Paper Book)	Part II (Contents of File)	
1.	Listing Performa	A-1		
2.	Cover page of Paper book			
3.	Index of Record of Proceedings			
4.	Limitation report prepared by Registry			
5.	Defect List			
6.	Note Sheet			
7.	Synopsis and List of Dates	B-F		
8.	Writ petition along with affidavit	1-25		
9.	<b>ANNEXURE P-1</b> The copy of Judgment and order in Amit Bathla & Am. V. Central Board of Secondary Education & Ors. Reported as (2020) 7 SCC 233.	26-29		
10.	<b>ANNEXURE P-2</b> The copy of press statements made by different State Government regarding the Class XII HSC Board Exams.	30-42		
11.	<b>ANNEXURE P-3</b> The copy of communication dated 09/04/2021.	43-44		
12.	<b>ANNEXURE P-4</b> The copy of Notification	45-		

	dated 14/04/2021.			
13.	<b>ANNEXURE P-5</b> The copy of communication dated 17/05/2021.	46-48		
14.	<b>ANNEXURE P-6</b> The copy of communication dated 26/05/2021.	49-56		
15.	<b>ANNEXURE P-7</b> The copy of response received in the survey shown in the pie chart.	57-58		
16.	<b>I.A.NO. OF 2021 APPLICATION FOR EXEMPTION FROM FILING ATTESTED COPY OF AFFIDAVIT.</b>	59-60		
17.	F/M		61	
18.	Vakalatnama		62-85	

A1-

PROFORMA FOR FIRST LISTING		
The case pertains to (please tick/check the correct box)		
	Central Act: (Title)	N.A
	Section:	N.A
	Central Rule: (Title)	N.A
	Rule No (S)	N.A
	State Act: (Title)	N.A
	Section:	N.A
	State Rule: (Title)	N.A
	Rule No(s)	N.A
	Impugned Interim Order: (Date)	N.A
	Impugned Final Order/Decree: (Date)	N.A
	High Court: (name)	N.A
	Names of Judges:	N.A
	Tribunal/Authority (Name)	N.A
1.	Nature of matter	civil
2 (a)	Petitioner/appellant No.1:	Anubha shrivastava sahni
(b)	e-mail ID:	N.A
(C)	Mobile Phone Number:	N.A
3 (a)	Respondent No.1:	Union of India
(b)	E mail ID:	N.A
(c)	Mobile Phone Number:	N.A
4.(a)	Main Category classification:	18 civil
(b)	Sub Classification:	1907 order

## SYNOPSIS AND LIST OF DATES

The present Public Interest litigation (PIL) under Article 32 of the Constitution of India is being filed with a request to pass the similar orders/direction to the Respondent State Boards as well as UGC regarding cancellation of Class XII exam and a uniform formula of assessment, to meet out the hardships of the innocent school children of Class XII of State Board, which were passed by this Hon'ble Court in similar circumstances caused to Covid - 19 pandemic by exercising the powers under Article 142 of the Constitution of India to meet out the hardships of the innocent school children of Class XII of CBSE & ICSE, in the matter of Amit Bathla & Anr. V. CBSE & Ors. (2020) 7 SCC 233, in which this Hon'ble Court directed the respondent CBSE & ICE to compute and declare the result of class XII students on the basis of their earlier grading as their main final examination had been postponed and could not be conducted due to unprecedented situation caused by pandemic.

That since from last year 2020, this Hon'ble Court by their various judgments & orders have took serious concern about the critical situation of the country due to widespread pandemic and unfortunately, the present year 2021 which is more severe and worse in comparison to the last year. Due to the pandemic situation, some of the State Government took decision for cancellation of the Higher Secondary Certificate Examination (herein after referred to as HSC Exam) which was formerly scheduled to be conducted in the month of March 2021, but whereas some of the State Government has yet to take any decision regarding the cancellation of the HSC Exams. The HSC Board has not yet devised any formula regarding how they

are going to assess the students of Class XII for their further admission for professional as well as non professional courses, in the event of cancellation of the exam.

That after the judgement of this Hon'ble Court in the matter of Amit Bathla & Anr. V. CBSE & Ors. (2020) 7 SCC 233, the CICSE/CBSE had already vide their circulars dated 26.06.2020 and 13.07.2020 accepted the same for last academic year for Class X & XII. And admitting the same severe situation of covid 19, the CBSE/CICSE has partly accepted the judgment of this Hon'ble Court for present academic session of 2020-2021 in respect of class X students by way of issuing the directions not to conduct their fresh final examination. But as regards to Secondary School Certificate i.e. SSC by State Board is concern, many State Government has not accepted the proposition as laid down by this Hon'ble Court and has not yet cancelled the examination of Class X SCC State Board students. Similarly, instead of adopting the criteria of declaring result on the basis of their earlier internal grading as confirmed by this Hon'ble Court in Amit Bathla & Anr. V. CBSE & Ors. (2020) 7 SCC 233, the some of the State Board has not yet declared the cancellation of the Class XII HSC examination, and the directions to postpone their final examination for an unspecified duration is arbitrary, inhuman to the students. By conducting offline exams the Government will be putting the lives of Students, teachers and other staff at risk Government must take a call now for 12th Board like they have done for 10th board. International boards have already cancelled 12 board offline exam and are going ahead with Internal assessment.

*D*

The present petitioner no.1 herein is a child rights activist and working for welfare and redressal of grievances of various students, including the Board Students studying at various grade of various schools functioning in the State of Maharashtra and other States of the Union of India. The petitioner no.1 is raising issues concerning the welfare of students, academic issues, issues regarding school fees and the implementation of various laws regarding the welfare of children before various forums. Many students studying in CBSE, ICSE NIOS and State Board approached the petitioner no.1 for issues they are facing regarding the Board Exams and is thus interested, and directly affected by the outcome of the above mentioned Public Interest Litigation. The other petitioners are Student as well as the Teachers from different State, who were aggrieved by the State Board decision. That, the mental pressure that is created for performance in this exam is so much that, every year number of students commit suicide for fear of under-performance, or of failure. To make the students appear and face examination with the additional fear of getting infected by the covid-19 virus will not only be unfair but the same will be absolutely inhuman. Hence the petitioners are filing the present Writ Petition under Article 32, as their claim is genuine and to protect their fundamental rights of education under article 14 and 21 of the Constitution of India.

#### **LIST OF DATES AND EVENTS**

**2020** A PIL was filed before this Hon'ble Court titled as Amit Bathla & Am. V. Central Board of Secondary Education & Ors. Reported as (2020) 7

E

SCC 233 for cancellation of class X and XII exams which were to be conducted from 01.07.2020 - 15.07.2020 by CBSE & ICES Board.

2021 The 12th class board exams that to be conducted in month of May was postponed by all State Government and it was said that they will examine the situation in June and will take further decision. Even the class 10 th Board exams were cancelled but the government had not cancelled 12<sup>th</sup> exams, saying they have strong immune system.

09/04/2021 The petitioner no.1 by her communication dated 09/04/2021 addressed to Hon'ble Education Minister, has pointed out the grievance regarding upcoming 12th Board Exams and to adopt other alternative modes of assessment for this academic year.

14/04/2021 Considering the current situation the CBSE by its Notification dated 14/04/2021 has postponed the exams for Class XII to be held from May 4th to June 14th, 2021 are hereby postponed and further the Board Exams for Class X to be held from 4<sup>th</sup> May to June 2021 were cancelled.

17/05/2021 The petitioner no.1 by her communication dated 17/05/2021 addressed to Hon'ble Prime Minister, has pointed out the grievance regarding upcoming 12th Board Exams and to adopt other alternative modes of assessment for this academic year.

26/05/2021 That seeing the situation the students tried to contact to the Education Minister of Odisha Mr. Samir Ranjan Dash. The president of Student



L

Union of Odisha-NYCS Petitioner No.8 talked to the Education minister of Odisha via conference call and told them all the problems and to which the Education Minister of Odisha told that None of their problems and demands will be listened ,the 10% course which is completed is sufficient and they will conduct Examination at any cost.

31/05/2021 As regards to issue of cancellation of Class XII exam and assessment for further studies of CBSE & ICSE students are concern, a PIL i.e. Writ Petition No.31/2021 is already pending consideration before this Hon'ble Court and in the said petition this Hon'ble Court by its order dated 31/05/2021 has directed the CBSE to take decision within two days regarding the examination of Class XII exam of CBSE & ICSE Students.

**IN THE SUPREME COURT OF INDIA**  
CIVIL ORIGINAL JURISDICTION

**WRIT PETITION (C) NO. OF 2021**

**In the matter of :**

- 1) Anubha Shrivastava Sahai ..Petitioner  
Age: 42, Occ: Adv & Child rights activist No.1
- 2) Dineshkumar Subhashchandra Gupta ..Petitioner  
Age 36 yrs, Occ: Teacher, No.2
- 3) Ashish Rewashankar Chourasiya ..Petitioner  
Age 28 yrs, Occ: Teacher, No.3
- 4) Dr. Ashish Mahendra ..Petitioner  
Age 38, Occ: Doctor No.4
- 5) Pawan Singh Ishwar Singh Wagh ..Petitioner  
Age 45 yrs, Occ: Teacher No.5
- 6) Mukesh subhashrao Nayak ..Petitioner  
Age 36, Occ:Jr.College Lecture No.6

2

7) Wasim Saeed Khan ..Petitioner  
Age: 31 yrs, Occ: Teacher No.7

8) STUDENT UNION OF ODISHA – NYCS ..Petitioner  
Through its State Convener No.8  
Md Manwar Ali

## VERSUS

1) Union of India ..Respondent  
Through its Secretary, No.1  
The Ministry of Human Resource Development,  
Shastri Bhawan, C-Wing,  
Dr. Rajendra Prasad Road, New Delhi.

2) National Institute of Open Schooling NIOS ..Respondent  
Through its Chairman, No.2  
A-24/25 Institutional Area  
Sector -62, Noida  
Distt Gautam Budh Nagar ,  
Uttar Pradesh.  
Email - cm@nios.ac.in

3) Central Board of Secondary Education ..Respondent  
Through its Secretary No.3  
Shiksha Kendra, 2, Community Centre,  
Preet Vihar, Delhi.  
Email ID : info.cbse@gov.in

4) Council for the Indian School Certificate ..Respondent  
Examinations No.4  
Pragati House, 3rd Floor, 47-48, Nehru Place,  
New Delhi.  
Email - council@cisce.org

5) University Grants Commission (UGC) ..Respondent  
Through its Secretary, No.5  
Bahadur Shah Zafar Marg,  
New Delhi.

3

- 6) Tripura Board Higher Secondary Education (TBSE)  
Through its Secretary,  
Pandit Nehru Complex, Gorkhabasti  
P.O - khujaban Agartala, Tripura  
Director Email :- director.sed-tr@gov.in ..Respondent  
No.6
- 7) Goa Board of Secondary and Higher Secondary Education  
Through its Chariman,  
Alto Betim, Porvorim  
Goa.  
Email:sec-gbshse.goa@nic.in ..Respondent  
No.7
- 8) Maharashtra State Board of Secondary & Higher Secondary Education  
Through its Secretary,  
Survey No 832-A, Final Plot No. 178 & 179,  
Near Balchitrawani,  
Behind Agarkar Research Institute,  
Bhamburda , Shivaji Nagar , Pune,  
Maharashtra  
Email secretary.stateboard@gmail.com ..Respondent  
No.8
- 9) Rajasthan Board of Secondary Education,  
Through its Secretary,  
Jaipur Road, Police Lines, Ajmer,  
Rajasthan. ..Respondent  
No.9
- 10) Gujarat Secondary and Higher Secondary Board,  
Through its Secretary,  
Sector 10B, Near Old Sachivalay,  
Gandhinagar, Gujrat,  
Email : gshseb\_gnr@yahoo.com ..Respondent  
No.10
- 11) M.P. Board of Secondary Education  
Through its Secretary,  
Shivaji Nagar, Bhopal,  
Madhya Pradesh.  
E-Mail: mpbse@mp.nic.in ..Respondent  
No.11
- 12) State Board Of School Examinations(Sec.) ..Respondent

& Board Of Higher Secondary  
Examinations, Tamil Nadu  
Through its Secretary,  
DPI, College Road, Chennai,  
Tamil Nadu,  
Email -info@tamilnadustateboard.org

No.12

13) West Bengal State Board (WBCHSE)  
Through its Secretary,  
9/2, Block DJ, Sector II, Salt Lake,  
Kolkata, West Bengal.  
Email-wbcouncil\_hse@vsnl.net

..Respondent  
No.13

14) Assam Higher Secondary Education  
Council (AHSEC)  
Through its Secretary,  
Bhuban Bhuyan Path,  
Near Anuradha Anuradha,  
Railway Colony, Bamunimaidan,  
Guwahati, Assam.  
Email id- ahsec1@yahoo.com

..Respondent  
No.14

15) Council Of Higher Secondary Education,  
Odisha, (Odisha board)  
Through its Secretary,  
C-2, Prajnapitha, Samantapur, Bhubaneswar,  
Odisha,  
E-Mail :secysme@gmail.com

..Respondent  
No.15

16) Karnataka Secondary Education  
Examination Board  
Through its Secretary,  
6th Cross Rd, Malleshwaram, Bengaluru,  
Karnataka.  
Email ID: dpikseeb@gmail.com

..Respondent  
No.16

17) Telangana State Board of Intermediate  
Education,  
Govt. of Telangana,  
Through its Secretary,  
Vidhyabhavan, Nampally Hyderabad,  
Telangana State.  
Email: secy.tsbie@gmail.com

..Respondent  
No.17

18) Jharkhand Academic Council, Ranchi ... Respondent  
Through its Secretary, No. 18  
Gyandeeep Campus, Bargawan,  
Namkum, Ranchi, Jharkhand.  
Email - secretaryjac2003@gmail.com

19) Himachal Pradesh board of School Education .. Respondent  
Through its Secretary, No. 19  
Gyan Alok Parisar, Dharamshala,  
Distt: Kangra, HP.  
Email - [hpbose2011@gmail.com](mailto:hpbose2011@gmail.com)

20) Uttarakhand Board of School Education ... Respondent  
Through its Secretary, No. 20  
Ram Nagar, Dist. Nainital,  
Uttarakhand  
E-mail-[eduua@yahoo.co.in](mailto:eduua@yahoo.co.in)

WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA FOR PASSING OF AN  
APPROPRIATE WRIT OF MANDAMUS AND/ OR ORDER  
OR ORDERS OR DIRECTIONS SEEKING AGAINST THE  
RESPONDENTS TO IMPLEMENT THE DIRECTIONS  
GIVEN BY THIS HON'BLE COURT IN AMIT BATHLA &  
ANR. V. CBSE & ORS. (2020) 7 SCC 233 AS REGARDS TO  
CLASS XII HSC FINAL EXAMS CONDUCTED BY STATE  
BOARD FOR ACCADEMIC YEAR 2020-2021 OR TO  
FORMULATE SOME ASSESSMENT FORMULA FOR  
THESE STUDENTS FOR THEIR FURTHER  
PROFESSIONAL AND NON-PROFESSIONAL STUDIES BY  
CANCELLING THEIR EXAMS.

**TO  
THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS  
COMPANION JUSTICES OF THE HON'BLE SUPREME  
COURT OF INDIA**

**THE HUMBLE PETITION OF  
THE PETITIONER ABOVE-  
NAMED**

**MOST RESPECTFULLY SHOWETH:**

(1) That the present Writ Petition is being filed by the  
petitioners seeking writ direction against the State Board of

6

Higher Secondary Education, NIOS who instead of cancel the Class XII examinations have postponed for future till the situation is under control. More than 1 Cr. students of class XII under State Board are left in a perplexed situation due to the postponement of their examination and in absence of any concrete stand taken by the State Board. Considering the present situation wherein large number of cases of Covid with more than 3500 reported deaths daily, and more particularly the anticipation of third wave of Covid which is projected to be more dangerous for children and in such a scenario it cannot be anticipated when the situation would be under control to conduct examination of Class XII via physical mode.

Being the respondents State Board remained as mute spectator over the current situation and not to take a timely decision in respect of examination and declaration of result of more than 1 Cr. students of class XII as it is the utmost duty of the State to take care of the health and safety of the students and at the same time not to hamper their higher education and career prospects.

(1A) The present petitioner no.1

herein is a child rights activist and working for welfare and redressal of grievances of various students, including the Board Students studying at various grade of various schools functioning in the State of Maharashtra and other States of the Union of India. The petitioner no.1 is raising issues concerning the welfare of students, academic issues, issues regarding school fees and the implementation of various laws regarding the welfare of children before various forums. The petitioner No. 2 to 7

, are teachers whom many students studying in CBSE, ICSE NIOS and State Board approached for issues they are facing regarding the Board Exams and is thus interested, and directly affected by the out come of the above mentioned Public Interest Litigation. The petitioner No.8 is Student Union of Odisha

who fights for the rights of the Students.

**To prove the bona fide petitioner is mentioning the name of the students who approached the petitioner with their grievances:**

#### **LIST OF STUDENTS**

1) Name: Amlan Mohanty  
Age: 17 years

Board: Odisha state board (CHSE, Odisha)

2) Name: Devraj Dutta  
Age: 18 years

(ASSAM)\*

Board: CBSE

3) Name: Ravish Narang  
Age: 18 years

Punjab\*

Board: CBSE

4) Name: TANMOY SAHA  
Age: 18 years



Occupation: student 12th board

Board: WBCHSE

5) Name: Kruti Thakkar

Age: 18 years

Board: HSC Maharashtra State Board

6).Name: Mohak Khandelwal

Age: 17 yrs

Board: M P Board

7) Name: Prince Prabhakar

Age: 16 years

Board: MP State Board

8) Name: Pranathi Shreya

Age: 17 years

Board: Tamil Nadu State Board

9) Name: Debish Debbarma

Age: 18 years

Board: Tripura State Board

10) NAME: RISHAB SINGH

9

Age 18 years

Assam

Board: CBSE

11) Name: Anura Begum

Arunachal Pradesh\*

Board: CBSE

Age: 17+ Years

12) Name: Tushar Mitra

Age: 20 years

Board: Assam Higher Secondary Education Council (AHSEC)

13) Name: Rajdeep Bhattacharjee

Age: 19 years

Occupation: student 12th board

Board: Assam Higher Secondary Education Council (ASHEC)

14) Name: Sagar Pandit

Age: 18 years

Occupation: student 12th board

Board: Gujarat State Board

15) Name: Sonali Karkhanis

Age: 18 on June 2<sup>nd</sup>

Occupation: student 12th board

Board: Karnataka

12

Board: CBSE

27) Name: Sanchita Gandhi

Age: 18 years

Occupation: student 12th board

Board: Punjab School of Education Board

28) Name: Kaustubh Mane

Age: 17+ years

Board: CBSE

Mumbai, Maharashtra

29) Name: Aroush Datta

Age: 18 years

Occupation: student 12th board

Board: NIOS

Mother name: Sumita Datta

Colaba, Mumbai 400005

(30) Name: Vishal Chaudhary

Age: 17 years

Occupation: student 12th board

Board: CBSE

State: New delhi

(31) Name: Sanjay Kumar

Age: 18 years

Board: HBSE

13

(32) Name: Mohd Javed khan  
Age: 17 years  
Occupation: student 12th board

Board: U P board

(33) Name: Mayank Gupta  
Age: 22 years

Board: National institute of open schooling

state- Bihar, PIN- 852111

(34) Name: Prashant Kishore  
Age: 17 years  
Occupation: student 12th board

Board: Jharkhand Academic Council  
Address: Kadru Ranchi, Jharkhand -834002

(35) NAME: ABIJEET ANANAD  
AGE: 16 years

BOARD: JHARKHAND BOARD (JAC)  
PIN CODE: 828122

(36) Name: Aryan Kumar  
Age: 17 years  
Occupation: student 12th board

Board: Jharkhand Academic Council

(37) **Name: Abhishek Madheshiya**

**Age:** 18 years

**Occupation:** student 12th board

**Address:** Salempur , Deoria ( Uttar Pradesh )

**Board:** CBSE

(38) **Name:** Aashraya Katiyar

**Age:** 19 years

**Occupation:** student 12th board

....., Kapilvastu (NEPAL )

**Board:** NIOS

(39) **Name:** Rakhal Barman

**Age:** 20 years

**Occupation:** student 12th board

**Board:** CBSE

**Address:** Mangan, North Sikkim, Sikkim

(40) **Name:** samuel paul

**Age:** 18 years

**Occupation:** student 12th board

**Address:** Ponda, Goa

**Board:** Goa state board

(41) **Name:** Anubhav

**Age:** 17 years

**Occupation:** student 12th board

**Board:** Uttarakhand board

**Address:** Dehradun, Uttarakhand-248001

(42) **Name:** Deepak Gupta

**Age:** 18 years

**Occupation:** student 12th board

**Board:** CBSE

**Address:** Jorethang S. Sikkim

15

(43) Name: Shubham Maulekhi  
Age: 17.2 years  
Occupation: student 12th board

Board: Uttarakhand board  
Address: Ram Nagar, Nainital, Uttarakhand

(44) Name: Heet Patel  
Age: 18 years  
Occupation: student 12th board

Board: Telangana board (TSBIE)  
Address: Adilabad, bhuktapur, Telangana

(45) Name: G LIKHIT REDDY  
Age: 17 years  
Occupation: student 12th board

Board: Telangana board (TSBIE)  
Address: Uppal Hyderabad

(46) Name: Uttkarsh Khashia  
Age: 18 years  
Occupation: Student 12<sup>th</sup> board

Board: Himachal Pradesh state education board

47) Suraj Pal Singh  
Age: 20 yrs  
Occupation: Student 12<sup>th</sup> Board

Chandigarh 160101  
Board NIOS

(3) That the entire litigation costs and other charges is being borne by the Petitioners themselves.

(4) That there will be no injury caused or likely to be caused to the public at large, as it is the violation of fundamental right

of the petitioners as well as several other similarly placed citizens that they have approached this Hon'ble Court for appropriate relief.

(5) That it is submitted that there is no civil, criminal or revenue litigation or Writ Petition, application including Review Application etc. or any other proceedings arising from or related to relief sought in the instant matter, involving the petitioners or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.

(6) That the Petitioners are in position to deposit any cost imposed by this Hon'ble Court.

(7) That the petitioners are filing the present writ petition in public interest. The petitioners have no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person / institution / body and that there is no motive other than of public interest in filing the writ petition.

(8) That the petitioners have based the instant writ petition from authentic information and documents obtained from various governments departments/ portals/ RTI applications.

(9) That the petition, if allowed, would benefit the citizens of this country generally as rule of law is essential for democracy and such brazen violation of law by the respondents can be stopped by the orders of this Hon'ble Court only.

(10) That the persons affected by such acts of the State are numerous and are not in a position to approach the Hon'ble Court hence the petitioners are filing the present PIL on behalf of such affected persons.

(11) This Hon'ble Court can only pass order in respect of relief sought by petitioners. That the respondents are the

necessary parties to this Petition since it is the appropriate authority to pass order for violation of fundamental rights and implement the relief sought for in this Petition.

(12) The Petitioner has approached this Hon'ble Court, as this Hon'ble Court is the appropriate authority and vested with power under the Constitution of India for passing appropriate directions.

**BRIEF FACTS OF THE CASE:**

(i) The petitioners submits that the students in all the States as well as their parents are very worried about conducting the 12th board examination due to high rate of growth of COVID-19 cases in all over Country along with the high possibility of 3rd wave which will affect the students very badly, and also due to incompleteness of course in this pandemic situation. In most of the States during the lockdown period of June –December, 2020 no classes were provided to Students. Almost 98% of schools of all the States had not conducted any online class for Students in that period. Looking into the matter the most of State Government & Education department has declared for 100 days offline class for students and will conduct exams after 100 days offline classes. The government said the students have to bring “NO OBJECTION CERTIFICATE” signed by parents to join offline classes. But most of the parents were unable to allow their child for offline classes in the pandemic. And it is said that it is not compulsory for all students to join offline classes. Moreover None of the college followed COVID-19 protocol for offline classes. Seeing this kind of situation the students feared to join offline classes. The offline classes were conducted for only 15-20 days, and 5% course is also not completed and how



will the students give exams when 95% of their course is not completed yet.

ii) The petitioners submit that a PIL was filed before this Hon'ble Court titled as Amit Bathla & Am. V. Central Board of Secondary Education & Ors. Reported as (2020) 7 SCC 233 for cancellation of class X and XII exams which were to be conducted from 01.07.2020 - 15.07.2020 by CBSE & ICSE Board and in that case this Hon'ble Court by its order has accepted the draft Notification of the CBSE board regarding cancellation of Class X & XII exam and further accepted the formula of the assessment for the Class XII. It is pertinent to note here that as regards to State Board Class X & Class XII exams of 2019-2020 was concerned, the same was already conducted in most of the states prior to initiation of lockdown in March 2020. The copy of Judgment and order in Amit Bathla & Am. V. Central Board of Secondary Education & Ors. Reported as (2020) 7 SCC 233 is herewith annexed and marked as ANNEXURE P-1-(Page 26-29).

iii) The petitioners submit that the 12th class board exams that is to be conducted in month of May was postponed by all State Government and it was said that they will examine the situation in June and will take further decision. Even the class 10 th Board exams were cancelled but the government had not cancelled 12<sup>th</sup> exams, saying they have strong immune system. The students were dissatisfied by this kind of behaviour of State Government and stressed and worried about their future and carrier. The copy of press statements made by different State Government regarding the Class XII HSC Board Exams is herewith annexed and marked as ANNEXURE P-2-(Page 30-42).

iii) The petitioners submit that the petitioner no.1 by her communication dated 09/04/2021 addressed to Hon'ble Education Minister, has pointed out the grievance regarding upcoming 12th Board Exams and to adopt other alternative modes of assessment for this academic year. The copy of communication dated 09/04/2021 is herewith annexed and marked as ANNEXURE P-3-(Page 43-44).

iv) The petitioner submits that considering the current situation the CBSE by its Notification dated 14/04/2021 has postponed the exams for Class XII to be held from May 4th to June 14th, 2021 are hereby postponed and further the Board Exams for Class X to be held from 4<sup>th</sup> May to June 2021 were cancelled. The copy of Notification dated 14/04/2021 is herewith annexed and marked as ANNEXURE P-4-(Page 45).

v) The petitioners submit that the petitioner no.1 by her communication dated 17/05/2021 addressed to Hon'ble Prime Minister, has pointed out the grievance regarding upcoming 12th Board Exams and to adopt other alternative modes of assessment for this academic year. The copy of communication dated 17/05/2021 is herewith annexed and marked as ANNEXURE P-5-(Page 46-48).

vi) The petitioners submit that seeing this situation the students tried to contact to the Education Minister of Odisha Mr. Samir Ranjan Dash. The State Convener of Student Union of Odisha-NYCS Petitioner No.8 talked to the Education minister of Odisha via conference call and told them all the problems and to which the Education Minister of Odisha told that None of their problems and demands will be listened, the 10% course which is completed is sufficient and they will conduct

Examination at any cost. The copy of communication dated 26/05/2021 is herewith annexed and marked as ANNEXURE P-6-(Page 49-56).

vii) The petitioners submit that as per the decision taken by CBSE & ICES Board regarding cancellation of Class X exam, many State Boards have also cancelled the Class X exam but as regards to Class XII exam, they have postponed it and till now no decision has been taken. In different High Courts the decision of State Government regarding cancellation of Class X exam was challenged, out of which Chennai High Court has dismissed the said challenge whereas the matter before Bombay High Court is still pending.

viii) The petitioners submits that the petitioners had made various representations before the Union Govt and the State Government for internal assessment of board students and to find out an alternative for offline exam as the same cannot be conducted due to alarming rate of growth of covid-19 cases. Thus uniformly there is consensus of thought and decision of all the education boards that it will be in the interest of the children that the examinations are cancelled and an alternative criterion is evolved for assessment of the students. The petitioners therefore submit that, in fact subjecting the children to write the examination and conducting the examination when the covid 19 wave is at its high, with the number of patients infected is rising day by day, when there are seen unprecedented mortality numbers, when the experts are predicting a third wave of resurgence likely to mostly affect children and young people, it will be violating their right to life. Putting the lives of so many students at risk of a possible known hazard will be leading them as a Judas goat. The petitioners further submits that this year has

to be considered as an exceptional year because of the pandemic situation. While education is important it can not be more important than the lives of children, teachers, other staffs and parents of the children who will venture out to appear for physical exam.

ix) The petitioners submit that though the petitioners are professing the stand of cancellation of Class XII exam in physical mode, but that doesn't mean that the petitioners have overlooked the important aspect that Class XII leads to choosing a professional course and hence some form assessment is become necessary. It is pertinent to mention here that as like the professional courses there should be some formula of assessment of non-professional courses and for that it is duty of the UGC to constitute some committee to frame such formula of assessment within a time limit as students are already under stress due to this uncertainty and delay in taking such decision which will also deny opportunities for higher education in India and foreign universities. The Petitioners further submits that they have conducted a survey for students from different boards with the help of teachers and social workers regarding the mode of exam to be adopted by Govt and many students and parents took part in the same. In the said survey 80% students are in favour of internal assessment , 16% in favour of online mode and 4% in favour of offline, that means 96% students were against offline exam. The copy of response received in the survey shown in the pie chart is herewith annexed and marked as ANNEXURE P-7-(Page 57-58).

x) The petitioners submit as regards to issue of cancellation of Class XII exam and assessment for further studies of CBSE & ICSE students are concern, a PIL i.e. Writ Petition

No.31/2021 is already pending consideration before this Hon'ble Court and in the said petition this Hon'ble Court by its order dated 31/05/2021 has directed the CBSE to take decision within two days regarding the examination of Class XII exam of CBSE & ICSE Students. The petitioners by this present Writ Petition have tried to bring the same issue pertaining to Class XII students of State Board i.e. HSC of different States and NIOS including compartment students.

xi) That the present petition is made bonafide and in the interest of justice concerning the cause of large no. of students of the country.

xii) That the annexure filed with the petition are true copies of the respective originals.

xiii) That the petitioner has not filed any other similar petition seeking similar relief.

#### **PRAYER**

In the circumstances, it is therefore, most respectfully prayed that this Hon'ble Court in the interest of justice may graciously be pleased to –

- a) Issue an appropriate writ of Mandamus and/or order or directing to the Respondents No.6 to 20 to pass a Notification regarding cancellation of Class XII exam of State Boards i.e. HSC and NIOS in physical mode and further direction to either constitute committee to decide the formula of assessment of students including compartment students and declare the result within a time limit and deadline or to adopt the directions of this Hon'ble Court in Writ Petition No.31/2021.

23

- b) And also issue an appropriate Writ of Mandamus to Respondent No.5 UGC to constitute a committee to decide a formula for assessment of Class XII students who want to pursue their further studies in non-professional courses by conducting an aptitude test or some other mode of assessment within a time limit and deadline.
- c) Pass such other or further orders as to this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

Drawn & Filed By:

  
**SHASHIBHUSHAN P ADGAONKAR**  
**ADVOCATE FOR THE PETITIONER**

Drawn on : 31.05.2021

Filed on : 01.06.2021

Place: New Delhi