

ITEM NO.301

Court 4 (Video Conferencing)

SECTION PIL-W

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). 620/2021

ANUBHA SHRIVASTAVA SAHAI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 69014/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 67880/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 67565/2021 - CLARIFICATION/DIRECTION
IA No. 65942/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 69015/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 67881/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 67564/2021 - INTERVENTION APPLICATION
IA No. 67958/2021 - INTERVENTION APPLICATION
IA No. 67878/2021 - INTERVENTION APPLICATION)

Date : 24-06-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Ravibhushan P. Adgaonkar, Adv.
Mr. Gagandeep Sharma, Adv.
Mr. Rana Sandeep Bussa, Adv.
Ms. Ruchi Rathi, Adv.

For Respondent(s)

R.2

Mr. S. Rajappa, AOR R-2
Mr. R. Gowrishankar, Adv. R-3 (CBSE)

R-3 (CBSE)

Mr. Rupesh Kumar, Adv.
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.

R-8 (MSBS&HSE)

Ms. Kiran Gandhi, Adv.
Mr. Soumik Ghosal, AOR
Mr. Gaurav Singh, Adv.

67564&67565/21

Mr. Prashant Padmanabhan, AOR
Mr. Asish Sarkar, Adv.

Ms. Mamta Sharma, Adv.
Mr. Praveen Swarup, AOR
Ms. Pareena Swarup, Adv.
Ms. Sadiya Shakeel, Adv.

67878&67880/21 Mr. Abhishek Choudhary, Adv.
Mr. Prabhu Prassana Behera, Adv.
Mr. Nabab Singh, Adv.
Ms. Ritika Ritu, Adv.
Mr. Abhishek Pattnaik, Adv.
Ms. Manju Jetley, AOR

Mr. Sandeep Devashish Das, AOR

State of Tripura Mr. Shuvodeep Roy, AOR
Mr. Kabir Shankar Bose, Adv.

State of Kerala Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

State of Haryana Dr. Monika Gusain, AOR

State of Punjab Mrs. Jaspreet Gogia, AOR
Ms. Mandakini Singh, Adv.
Mr. Karanvir Gogia, Adv.
Ms. Shivangi Singhal, Adv.
Ms. Ashima Mandla, Adv.

State of Assam Mr. Devajit Saikia, Sr. Adv. (A.G.)
Mr. Nalin Kohli, AAG
Mr. Debojit Borkakati, AOR
Mr. R. Baruah, Adv.
Mr. A. Chaliha
Mr. Vivek Sonkar, Adv.
Mr. Ankit Roy, Adv.

State of Manipur Mr. Pukhrambam Ramesh Kumar, Adv.
Ms. Anupama Ngangom, Adv.
Mr. Karun Sharma, Adv.

R-18 Mr. Jayesh Gaurav, Adv.
Ms. Diksha Ojha, Adv.
Mr. Ranjan Nikhil Dharnidhar, AOR

State of Andhra Pradesh Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.

Mr. Amitabh Sinha, Adv.
Mr. K.V. Girish Chowdhary, Adv.
Mr. Shrey Sharma, Adv.

State of Gujarat Ms. Deepanwita Priyanka, AOR

State of U.P. Mr. Harish Pandey, AOR

State of Telangana Mr. P. Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.
M/s. Venkat Palwai Law Associates, AOR

State of Karnataka Mr. Shubranshu Padhi, AOR
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.
Mr. Vishal Banshal, Adv.

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

We have interacted with the learned counsel appearing for the State of Andhra Pradesh and State of Kerala, who had filed affidavit(s) stating that the Board of the concerned State has taken an in principle decision to continue with the XII standard examination.

As regards the State of Kerala, the issue is limited to XI standard Examination. The State of Kerala has already conducted XII standard Examination in the month of April, 2021.

In the present proceedings, we are focusing only on the grievance regarding the XII standard Examination of the respective Boards of different States. Resultantly, we do not wish to examine the grievance of the students of State of Kerala, who want to pursue XI standard

Examination.

The students of XI standard from State of Kerala are free to file substantive writ petition before the High Court raising all contentions available to them. The same are kept open. The High Court may decide the said grievance on its own merits.

Reverting to the State of Andhra Pradesh, Mr. Mahfooz A. Nazki, learned counsel appearing for the State, seeks time to take instructions on matters in respect of which certain aspects have been discussed in the course of arguments.

Hence, this matter be listed tomorrow, i.e., 25.06.2021 at 2:00 p.m.

As regards the State of Assam, affidavit has been filed mentioning that the X and XII standards examinations have been cancelled and the Scheme is being formulated by the concerned Boards for allocation of internal assessment marks. That be done expeditiously. In addition, the Scheme must provide for a proper mechanism for redressal of dispute or grievance of the students after declaration of results, as has been done in the case of C.B.S.E. and I.C.S.E. Boards.

Learned counsel appearing for State of Haryana

submits that a clarification be issued that the respective Boards are free to formulate their own Schemes being autonomous and independent bodies. We have no difficulty in acceding to this submission.

In other words, we make it clear that each Board may formulate its own Scheme.

However, we further make it clear that we are not endorsing the correctness and validity of the proposed Schemes, to be so formulated by the concerned Boards. That will be considered on its own merits, if and when occasion arises.

Learned counsel appearing for the N.I.O.S. submits that the N.I.O.S. has cancelled the examinations and are in the process of formulating the Scheme.

We direct all the State Boards to ensure that the Schemes are formulated and notified at the earliest and not later than 10 days from today and also declare the results of internal assessment by 31.07.2021, which is the time-line specified for C.B.S.E. and I.C.S.E. Boards in terms of our order dated 22.06.2021 passed in Writ Petition(C) No. 522 of 2021.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)