

Court No. - 10

Case :- P.I.L. CIVIL No. - 9042 of 2020

Petitioner :- Anuj Nishad

Respondent :- U.O.I. Thru. Secy. Ministry Of H.R.D., New Delhi & Others

Counsel for Petitioner :- Krishan Kanhaya Pal,Pooja Pal

Counsel for Respondent :- A.S.G.,Shashank Bhasin

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Narendra Kumar Johari,J.

Heard Sri Kanhaiya Pal, learned counsel for the petitioner, Sri S.B. Pandey, learned Assistant Solicitor General of India assisted by Sri Varun Pandey and Sri Shashank Bhasin, learned counsel representing Central Board of Secondary Education.

This petition in public interest has been filed with the prayer to direct the respondents to cancel the examination scheduled by the Central Board of Secondary Education and the Council for Indian School Certificate Examination in the backdrop of the increasing cases of COVID-19.

It has been contended on behalf of the petitioner that considering the present situation which has occasioned because of increasing rate of infection as also deaths caused by COVID-19, it would not be appropriate to allow large gatherings which may occur during the examination as the students are more vulnerable to the disease. Various other concerns have also been raised in the writ petition, which require consideration by an appropriate authority.

Having regard to the aforesaid facts and circumstances as pleaded in the writ petition, we are of the opinion that the issues raised in the said writ petition will require consideration by the experts in the field and other related areas, hence, we find it appropriate to refer this entire writ petition to the Ministry of Home, Government of India. This writ petition will be treated as a representation and the competent authority shall take appropriate decision in the matter. We expect that while taking any decision under this order, the concerned department of

Ministry of Home shall be guided by the utmost consideration of public interest.

As it has been informed that examinations are scheduled to commence from 1st July, 2020, we expect that appropriate decision under this order shall be taken by appropriate authority in the Government of India before commencement of the examination.

We request Sri S.B. Pandey, learned Assistant Solicitor General of India to communicate this order forthwith to the authority concerned in the Ministry of Home, Government of India.

Order Date :- 15.6.2020

Reena/-