

ITEM NO.9 Court 5 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 832/2020

OJAS ACHYUT GUPTA Petitioner(s)
VERSUS

THE COUNCIL FOR THE INDIAN
SCHOOL CERTIFICATE EXAMINATIONS Respondent(s)

(FOR ADMISSION and IA No.75386/2020-EX-PARTE AD-INTERIM RELIEF and
IA No.75390/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 13-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Alakh Alok, AOR

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. J.K. Das, Sr. Adv.
Mr. Sandeep Devashish Das, AOR
Mr. Anshuman Mohanty, Adv.
Ms. Sukanya Lal, Adv.
Mr. Shashwat Sarin, Adv.

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

We have heard learned counsel for the
parties.

At the outset, counsel for the petitioner
made it clear that the petitioner has been advised
not to pursue prayer clauses (c) to (e). In other
words, the reliefs claimed in the present writ
petition, as amended and pressed before this Court,
read thus: -

(a) Issue urgent Writ in the nature of mandamus or any other appropriate Writ, Order or Direction to Respondent Council to immediately adopt, formulate and implement, similar norms, as prescribed in the Notification bearing No. CBSE/CE/2020 dated 13.05.2020, issued by the Central Board of Secondary Education ("CBSE") regarding Re-Test for the failed students of Class 9th and 11th of the schools affiliated by it, for their promotion to their next class; and or

(b) Accordingly, issue urgent Writ in the nature of mandamus or any other appropriate Writ, Order or Direction to Respondent Council to grant an opportunity to all failed students of Class 9th and 11th of the schools affiliated by it to appear in a school level Re-Test and upon successful qualification in it, to promote such students to the next class."

After considering the rival submissions and taking overall view of the matter, we are in agreement with the stand taken by the Indian School Certificate Examinations (for short, "the Board") that in view of the policy articulated in Chapter-II of its Regulations - that no re-examination or awarding of grace marks is permissible for promotions from Class XI to Class XII, the question of issuing directions to the contrary does not arise.

The petitioner did make an attempt to

persuade the Court to impress upon the Board to follow the course adopted by the Central Board of Secondary Education vide notification dated 13.05.2020. However, it is not open to issue writ to direct the respondent-Board to follow the norms specified by some other Board.

The respondent-Board is free and independent to adopt its own modalities for ensuring academic standards.

Suffice it to observe that at this distance of time, if any direction is issued to the respondent-Board it may give rise to more students similarly placed setting up their claim for similar indulgence. That may result in impacting the academic year which has already commenced from June, 2020 and one semester whereof is almost completed.

Accordingly, we decline to entertain this writ petition. The same is dismissed.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER