

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.636 of 2021

1. Ms. Prajakta Das, the petitioner being minor represented by her father Sri Prabal Das, S/o Sri Plaban Ch. Das, resident of Ramnagar Road No.8, 1st by lane, P.O. Ramnagar, Agartala, P.S. West Agartala, District – West Tripura, Pin – 799002.
2. Ms. Basundhara Das, the petitioner being minor represented by her father Sri Bijan Das, S/o Sri Narayan Ch. Das, resident of Dhaleswar Road No.15, P.O. Dhaleswar, P.S. East Agartala, District – West Tripura, Pin-799007.
3. Ms. Anindita Dutta, the petitioner being minor represented by her mother Smt. Pratima Dutta, W/o Sri Swapan Dutta, resident of Bardowali, P.O & P.S. A. D. Nagar, Agartala, District – West Tripura, Pin – 799003.
4. Ms. Tapanwita Debnath, the petitioner being minor represented by her father Sri Tapan Debnath, S/o Late Manindra Chandra Debnath, resident of Ujan Abhoynagar, P.O. Abhoynagar, P.S. East Agartala, District – West Tripura, Pin – 799005.

..... Petitioner(s)

Versus

1. The Union of India, represented by the Secretary, Department of School Education and Literacy, Ministry of Education, Govt. of India, 124-C, Shastri Bhavan, New Delhi.
2. The Central Board of Secondary Education, represented by the Chairman, Govt. of India, Shiksha Kendra – 2, Community Centre, Preet Vihar, Delhi – 110092.
3. The Auxilium Girls' School, represented by the Director, Nandangar, Agartala, District – West Tripura, Pin-799006.
4. The Principal, Auxilium Girls' School, Nandangar, Agartala, District – West Tripura, Pin – 799006.

..... Respondent(s)

For Petitioner(s)	: Mrs. S. Deb(Gupta), Advocate.
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For Respondent(s)	: Mr. Bidyut Majumder, Deputy SGI, Mr. T.D. Majumder, Sr. Advocate, Mr. R.K.P. Sinha, Advocate.
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HON'BLE THE CHIEF JUSTICE (ACTING)

Date of hearing and Judgment : 16th January, 2023.

JUDGMENT & ORDER(ORAL)

Heard Mrs. S. Deb (Gupta), learned counsel appearing for the appellants and also heard Mr. Bidyut Majumder, learned DSGI appearing for respondent No.1 as well as Mr. T.D. Majumder learned senior counsel appearing for the respondent No.2 and Mr. R.K.P. Singha, learned counsel appearing for the respondents No.3 and 4.

[2] The present petition has been filed by the petitioners under Article 226 of the Constitution of India for quashing the impugned result of the petitioners published by the respondent No.2.

[3] The case of the petitioners, in brief, is that the petitioners' were the students of Class-X of Auxilium Girls' School and they were the candidates of Secondary School Examination (Class-X) 2021. Due to pandemic situation, the respondent No.2 cancelled the Secondary School Examination vide notification dated 14.04.2021 and on account of the safety and wellbeing of the students, the respondent No.2 on 01.05.2021 issued guidelines for tabulation of marks for Secondary School Examination based on the internal assessments conducted by school authorities but the respondent Nos.3 and 4 without following the said policy dated 01.05.2021 assessed the marks of the petitioners and as a result of which the petitioners' marks were reduced. If the marks

allocation has been given as per notification dated 01.05.2021 issued by the respondent No.2, the petitioners would get more marks than the marks given by the school authority i.e. respondent Nos.3 and 4. The respondent No. 2 issued a circular dated 08.08.2021 and it was declared that if the students who were not satisfied with the assessment based on the policy would be given an opportunity to appear in the examinations. In the said circular, it was also given the procedure for submitting the grievances of the students regarding computation of results to a Committee constituted by CBSE. By following the said circular dated 08.08.2021, petitioners made representations on 11.08.2021 before the respondents No.3 & 4 regarding the dispute in computation of result of Secondary School Examination. In reply to the said representation, the respondent No.4 informed the petitioners that the Result Committee after verifying the record found that their result had been declared as per policy and no mistake had been found. Being aggrieved by the said action of the respondents, the petitioners filed this writ petition.

[4] The petitioners have filed the present petition seeking the following reliefs :

- “i) Admit this petition of the petitioners and call for records relevant to the subject matter from the custody of the respondents.
- ii) As to why writ in the nature of certiorari quashing the impugned result declared on 06.08.2021 by the respondent No.2.
- iii) As to why writ in the nature of certiorari calling the answer scripts of pre-board exam-1 & 2 and result sheets of unit test & half yearly exam of Class-X for the academic session 2020-2021 conducted by respondent Nos.3 & 4.

iv) As to why writ in the nature of certiorari calling the rational documents as per the policy Clause No.12 dated 01.05.2021 issued by respondent No.2 which is explaining in detail how the respondent No. 2 & 4 assessed marks.

v) As to why writ in the nature of mandamus directing the respondents re-evaluation of the marks as per the policy/guideline issued by respondent No.2 on 01.05.2021.

vi) As to why writ in the nature of mandamus direct the respondent No.3 and 4 to reassess the marks of the petitioners as per the policy dated 01.05.2021 issued by respondent No.2.

vii) As to why writ in the nature of certiorari quashing the impugned reply dated 13.08.2021 by the respondent No.4.

AND

viii) Pass such other or further order/orders and direction/directions as your Lordship deems fit and proper, having regard to the facts and circumstances of the case.”

[5] Mrs. S. Deb(Gupta), learned counsel appearing for the petitioners contends that the respondent Nos.3 and 4 without following the notification of the CBSE dated 01.05.2021, the school authorities assessed the marks of the petitioners and as a result of which the petitioners' marks were reduced. She contends that in Mathematics, the average marks of a student has to be given 71 marks for best performance but the school authorities have given only 55 marks and 16 marks were reduced. She further contends that in Science subject, the average marks of a student ought to be given 78 but the school authorities have given 67 marks and 11 marks were reduced. Therefore, 27 marks were reduced from his total marks from main subjects so as to in other subjects, 39, 32 and 30 marks were reduced and if this process was adopted by following the notification of CBSE, then every student would have reduced their marks but in the final result sheet how some students were awarded 99.8%, 98.8% marks, there is no answer made by the school authorities to that effect as to how

they were given the standardization of marks. She further contends that the method in which the evaluation of marks made by the school authorities on the basis of which the results declared by CBSE is not appropriate.

[6] Mr. T.D. Majumder, learned senior counsel appearing for the respondent No.2 submits that as per the assessment standardization of the notification of CBSE, the historical performance of the school in terms of the best overall performance in the previous 3(three) years Board examination will be taken as the reference for moderating the marks assessed by the school authorities. Therefore, to make standardization, modernization what she actually got in the school the marks was reduced. He referred to notification of the CBSE (Assessment Standardization) dated 01.05.2021 [Annexure-R1].

[7] Mr. R.K.P. Sinha, learned counsel appearing for the respondents No.3 & 4 submits that they have simply followed the notification of the CBSE and in response to the said notification dated 01.05.2021 the respondent No.3 & 4 has given a reply stating that the result committee after verifying the records has found that the result has been declared as per policy and no mistake has been found. He further contends that they have also obeyed the circular of CBSE dated 08.08.2021 in which it was mentioned that the result has been prepared by the Result Committee constituted as per the directions of the CBSE.

[8] After hearing learned counsel for the respective parties, this Court finds that upon the representation dated 11.08.2021, the respondent school authorities have issued a communication addressing the students that their case has been considered and the dispute has been resolved but since the same is not a speaking order, it is expected that the school authorities could have taken little amount of care in explaining the students about their marks and the policy they have adopted and in the communication it could have been reflected the manner which they have adopted instead a cryptic communication of the school is unwarranted.

[9] Resultantly, the writ petition is disposed of and the matter is remanded back to the school authorities (respondent No.3 and 4 herein) for fresh consideration. The school authorities shall do well to consider the representation of the petitioners as expeditiously as possible.

[10] With the above observations and directions, the writ petition is disposed of. Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Dipesh