

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1589/2013

Prakash Nenumal Arora and others

...Versus...

The Regional Officer & Asstt. Secretary Central Board of Secondary Education, New
Delhi (D)

The Principal Emerald International School, Akola, and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.K. Thakkar, Advocate for petitioners
Shri C.S. Kaptan, Sr. Adv. with Shri P.S. Chawhan, Adv. for respondent no.1
Shri N.S. Khubalkar, AGP for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 11.09.2015

The petitioners had originally filed a petition for a direction to the respondents to permit the wards of the petitioners to appear at the 11th standard examination. Since the wards of the petitioners were admitted to the 11th standard during the pendency of the writ petition and the grievance in regard to the appearance at the examination did not survive, the petitioners amended the petition and sought a direction to the respondent no.1 to grant registration number in the secondary school certificates of the wards so that the admission of the wards of the petitioners would be confirmed.

Shri Thakkar, the learned Counsel for the petitioners states that the only prayer pressed on behalf of the petitioners is for a direction to the respondent no.1 to grant the registration number in the secondary school certificate issued to the wards of the petitioners.

The wards of the petitioners were studying in a school that was not recognized and they desired to appear at the H.S.S.C. examination in 2012. On a request made by the School Management at the eleventh hour, the respondent no.1 – Central Board of Secondary Education took a lenient view in the matter and permitted the wards of the petitioners to appear at the examination, as a special case. The roll numbers were provided to the wards of the petitioners manually as at the relevant time tabulation was complete. No registration number could be provided to the wards of the petitioners after completion of the tabulation and considering the cases of the wards of the petitioners leniently, roll numbers were provided manually. The petitioners are now seeking the registration number in the secondary school certificate of their wards.

The relief sought by the petitioners cannot be granted in the circumstances of the case. The registration number cannot be provided to the wards of the petitioners, that had appeared at the S.S.C. examination in the year 2012. It is rightly submitted on behalf of the respondent no.1 – Board that as a special case, the wards of the petitioners were permitted to appear at the examination by taking a lenient view in the matter, though the school was not recognized. It is submitted on behalf of the

respondent no.1 that the wards of the petitioners would be able to secure the mark-sheets even by filling their roll numbers and date of birth in the website. In the circumstances of the case, after the tabulation is complete and the roll numbers were manually provided to the wards of the petitioners, a direction cannot be issued to the Board to grant registration number. This exercise cannot be directed to be performed after the completion of the tabulation work, when the results of the wards of the petitioners were declared in the year 2012. We also find that the case of the petitioners that their wards were not permitted admission for further studies is not correct, as the wards of the petitioners have prosecuted higher studies and have also passed the H.S.S.C. examination. We find that the wards of the petitioners were provided with the mark-sheets and the secondary school certificates by the respondent no.1- Board. Merely because the registration number was not provided in the mark-sheets, the higher studies of the wards of the petitioners would not be affected.

In the circumstances of the case, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE