

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

**W.P.(C).No.18143 of 2015 (P)**

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PETITIONER(S):

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1. JESTIN GEEVARGHESE, MINOR 15 YEARS, X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL, EZHAMKULAM, ADOOR,  
PATHANAMTHITTA,  
REPRESENTED BY FATHER AND GUARDIAN GEEVARGHESE MATHEW,  
S/O. MATHAI OOMMEN, PRATHEEKSHA BHAVAN, THEPPUNPARA PO,  
THODUVAKKAD, EZHAMKULAM, PATHANAMTHITTA.
2. BIJA THOMAS, S/O. K. THOMAS, MINOR 15 YEARS, X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR,  
PATHANAMTHITTA,  
REPRESENTED BY FATHER AND GUARDIAN K. THOMAS,  
S/O. KOCHUMMAN KOSHY, KUZHINJAVILAYL HOUSE,  
THEPPUPARA PO, THODUVAKKAD, EZHAMKULAM,  
PATHANAMTHITTA.
3. ANAND B. ARJUN, S/O BINU A., MINOR 15 YEARS, X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR,  
PATHANAMTHITTA,  
REPRESENTED BY FATHER AND GUARDIAN BINU. A,  
S.O ARJUNAN PILLAI, HARISREE, KALANJOOR, PATHANAMTHITTA.
4. JERIN S. SAJI, S/O SAJI SAMUEL, MINOR 15 YEARS, X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA,  
REPRESENTED BY FATHER AND GUARDIAN SAJI SAMUEL,  
S/O. KUNJUMON SAMUEL, CHAMAKKALA PUTHEN VEEDU  
THEPPUPARA POO, THISUVAKKAD, EZHAMKULAM,  
PATHANAMTHITTA.
5. LINTA B. VARGHESE, D/O. BINU VARGHESE,  
MINOR 15 YEARS, X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR,  
PATHANAMTHITTA,  
REPRESENTED BY FATHER AND GUARDIAN BINU VARGHESE,  
S/O GEEVARGHESE, PANICKATHARAYIL HOUSE, PUTHUMALA PO,  
EZHAMKULAM PATHANAMTHITTA.

6. AKHILA B KRISHANA, D/O. BINDHU RK NAIR, MINOR 15 YEARS  
X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR,  
PATHANAMTHITTA,  
REPRESENTED BY GUARDIAN SUJITHA SUNIL,  
W/O. SUNIL KUMAR, SREEKRISHAN VILASOM, NEDUMON PO,  
EZHAMKULAM, PATHANAMTHITTA
7. MEREENA MARIAM JIBU,  
D/O. BINCY JIBU, MINOR 15 YEARS, X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA,  
REPRESENTED BY MOTHER AND GUARDIAN BINCY JIBU,  
W/O JIBU JOSE, PADAYATHUPUTHEN VEEDU, PARACODE PO,  
ADOOR, PATHANAMTHITTA.
8. RIYA SURSEH, D/O.SALAMMA SURESH, MINOR 15 YEARS,  
X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA,  
REPRESENTED BY MOTHER AND GUARDIAN SALAMMA SURESH,  
W/O. SURESH KUMAR, KAVIDATHU KIZHAKKETHIL, VAYALA PO,  
PARACOD, PATHANAMTHITTA
9. SREELEKSHAMI L., D/O. LEKHA RANI MR, MINOR 15 YEARS,  
X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA,  
REPRESENTED BY MOTHER AND GUARDIAN LEKHA RANI M.R.,  
D/O. P.MONY, LEKHA NIVAS, PARAKKODE PO., PATHANAMTHITTA.
10. DEEPAK S, S/O. SIVARAHAN NAIR, MINOR 15 YEARS,  
X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA.  
REPRESENTED BY FATHER AND GUARDIAN SIVARAJAN NAIR,  
S/O. KESAVANNAIR, DEPTHI NIVAS, NEDUMON PO, PATHANAMTHITTA.
11. SREE RAM G.S., S/O. T.R. SREEKUMAR, MINOR 15 YEARS,  
X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA,  
REPRESENTED BY FATHER AND GUARDIAN T.R. SREEKUMAR,  
S/O. LATE RAVEENDRAN NAIR, JANAKI BHAVAN, PARACODE PO,  
ADOOR, PATHANAMTHITTA.
12. ESTHER ANNA JOY, D/O. JOY VARGHESE, MINOR 15 YEARS,  
X STANDARD STUDENT,  
NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA,  
REPRESENTED BY MOTHER AND GUARDIAN JOY VARGHESE,  
S/O. SKARIA VARGHESE, PERKOTU THUNDIYIL, ELANTHUR P.O.,  
PATHANAMTHITTA.

13. MEENU S. UNNITHAN, D/O. T.M. JAYADAS UNNITHAN, MINOR 15 YEARS, X STANDARD STUDENT, NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA, REPRESENTED BY MOTHER AND GUARDIAN JAYADAS UNNITHAN, S.O MADHAVAN UNNITHAN , SINDHU BHAVAN, KALANJOOR PO, PATHANAMTHITTA.
14. JOHAN V ZAHARIAH, S/O. KV ZAHARIAH, MINOR 15 YEARS, X STANDARD STUDENT, NATIONAL CENTRAL SCHOOL EZHAMKULAM, ADOOR, PATHANAMTHITTA, REPRESENTED BY MOTHER AND GUARDIAN K.V. ZACHARIAH, S/O.VARGHESE, KARIMPUMKALAYIL HOUSE, PA OMALLOOR, PATHANAMTHITTA.

BY ADV. SRI.B.MOHANLAL.

RESPONDENT(S):-

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1. THE CHAIRMAN, CENTRAL BOARD OF SECONDARY EDUCATION, NEW DELHI-2.
  2. THE ASSISTANT SECRETARY, CENTRAL BOARD OF SECONDARY EDUCATION, REGIONAL OFFICE, NEW NO.3, J-BLOCK, ANNA NAGAR (WEST), CHENNAI-40.
  3. THE CONTROLLER OF EXAMINATIONS, CENTRAL BOARD OF SECONDARY EDUCATION, NEW NO.3, J-BLOCK, ANNA NAGAR (WEST ), CHENNAI -40.
  4. THE NATIONAL CENTRAL SCHOOL, EZHAMKJULAM, PARAKODE PO., ADOOR PATHANAMTHITTA 691 554, REPRESENTED BY TIS CHAIRMAN MATHAI.K.K.
  5. THE PRINCIPAL, THE NATIONAL CENTRAL SCHOOL, EZHAMKULAM, PARAKODE PO, ADOOR, PATHANAMTHITTA - 691 554.

ADDL.R6. THE JOINT SECRETARY AND REGIONAL OFFICER,  
CENTRAL BOARD OF SECONDARY EDUCATION,  
2ND FLOOR, BLOCK-G, LIC DIVISIONAL OFFICE CAMPUS,  
PATTOM P.O., THIRUVANANTHAPURAM - 695 004.

(ADDITIONAL 6TH RESPONDENT IS IMPEADED AS PER ORDER DATED 02.07.2015  
IN I.A.NO.8378 OF 2015)..

R1 TO R3 & R6 BY STANDING COUNSEL SRI.DEVAN RAMACHANDRAN.

R4 & R5 BY ADVS. SRI.P.S.SREEDHARAN PILLAI,  
SRI.T.K.SANDEEP  
SRI.ARJUN SREEDHAR  
SRI.JOSEPH GEORGE(MULLAKKARIYIL)  
SRI.ARUN KRISHNA DHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-07-2015,  
ALONG WITH W.P.(C).NO.20606 OF 2015-A, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:-

## **APPENDIX**

### **PETITIONER(S)' EXHIBITS**

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EXHIBIT P1: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 1ST PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P2: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 2ND PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P3: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 3RD PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P4: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 3RD PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P5: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 5TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P6: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 6TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P7: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 7TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P8: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 8TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P9: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 9TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P10: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 10TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P11: THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 11TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P12:THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 12TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P13:THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 13TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P14:THE TRUE COPY OF THE RESULT OF SECONDARY SCHOOL EXAMINATION 2015 OF THE 14TH PETITIONER RETAINED FROM CBSE RESULT PORTAL.

EXHIBIT P15:THE TRUE COPY OF THE COMPLAINT DATED 5.6.2015 FILED BY THE PETITIONER AND OTHERS TO THE DISTRICT COLLECTOR, PATHANAMTHITTA.

EXHIBIT P16:THE TRUE COPY OF THE COMMUNICATION DATED 5.6.2015 ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT.

EXHIBIT P17:THE TRUE COPY OF THE COMMUNICATION DATED 10.6.2015 ISSUED BY THE 6TH RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

EXHIBIT R5(a) TRUE COPY OF LETTER DATED 28.05.2015 SUBMITTED BY 5TH RESPONDENT TO REGIONAL OFFICER, CBSE, THIRUVANANTHAPURAM.

EXHIBIT R5(b) TRUE COPY OF THE DEMAND DRAFT FOR RS.20,500/- SUBMITTED BY THE RESPONDENT SCHOOL ON 01.06.2015.

vku/-

[ true copy ]

K. Vinod Chandran, J

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W.P.(C).No.18143 of 2015-P & 20606 of 2015-A  
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Dated this the 09<sup>th</sup> day of July, 2015

**JUDGMENT**

Though not listed today, W.P.(C).No.20606 of 2015 is also called for and disposed of, on the submission of the learned counsel for the parties that the same is connected with W.P.(C). No.18143 of 2015.

2. The petitioners were aggrieved with the fact that, the mark-lists, produced at Exhibits P1 to P14 in W.P.(C).No.18143 of 2015 and Exhibit P1 in W.P.(C).No.20606 of 2015, issued to them in the 10<sup>th</sup> Standard Examination were not proper, since there was no entry of the Summative Assessment 1 [for brevity “SA1”] marks made by the school.

3. The 5<sup>th</sup> respondent at the earlier point itself submitted that the same was a *bona fide* mistake; in view of the change in software and that they are rectifying the same. The 5<sup>th</sup> respondent has filed its counter affidavit, as directed as per order dated 02.07.2015. The 5<sup>th</sup> respondent has also produced 15 [fifteen] mark-lists of the petitioners in both the writ petitions.

4. The learned counsel for the Central Board of Secondary Education [for brevity “CBSE”] has gone through the mark-lists; and submits that, there is difference in the marks as shown in the mark-lists produced along with the writ petitions and in the certificates now produced before Court; all of them, but only for certain subjects. The difference admittedly is since the 5<sup>th</sup> respondent had endeavoured to rectify the same.

5. The learned counsel for the petitioners specifically asserts that it was on account of the laches of the 5<sup>th</sup> respondent and not because of the software that the controversy arose. The allegation even now is that, with respect to the subject 'English', the SA1 marks are not uploaded and that is very evident from the marks awarded, as seen from the certificates. This Court is disabled from examining that, since the question of what marks were uploaded and the computation made by the CBSE, etc. would have to be gone into. It is only proper that the CBSE goes into such allegations, if a proper complaint is filed before it. The fifteen certificates now handed over by the learned counsel for the 5<sup>th</sup> respondent across the Bar, is entrusted to the learned counsel for the petitioners.

6. If any of the petitioners have any objection with respect to any discrepancy found in the marks, then it is for them to raise the issue before the 1<sup>st</sup> respondent, through the additional 6<sup>th</sup> respondent, by a properly instituted representation, with details stated therein. In any event, the additional 6<sup>th</sup> respondent shall enquire into the allegations, especially since on production of the mark-lists, it is detected that there had been some discrepancies in the uploading of the marks, as done by the 5<sup>th</sup> respondent. The additional 6<sup>th</sup> respondent also shall independently consider any representation made by the petitioners and afford an opportunity of hearing to the complainant and the 5<sup>th</sup> respondent and pass written orders on them.

The writ petitions are disposed of as above.

**Sd/-**  
K.Vinod Chandran  
Judge.

vkul/-

[ true copy ]