

**CWP NO. 13319 OF 2015
Date of decision: 7.07.2015**

Mehak and others

.....Petitioners

versus

Central Board of Education and another

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Gagan Oberoi, Advocate
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners who are the students of 10+2 appeared in the subject of Legal Studies on 17.04.2015. Since they were not satisfied with their marks, they decided to get re-evaluation in terms of notification dated 26.05.2015 issued by the Central Board of Secondary Education(CBSE). However, their prayer was declined by respondent No. 1 on the ground that subject of legal studies is not included in the list of subjects in which re-evaluation can be asked for. Petitioners have thus, prayed for issuance of writ in the nature of mandamus directing respondent No. 1 for re-evaluation and verification of their marks in the subject of Legal Studies.

I have heard learned counsel for the petitioners and perused the available record. It is specifically provided in the notification dated 26.05.2015(Annexure P-1) that re-evaluation can be allowed in the subjects mentioned therein namely “**English Core, English Elective(CBSE), English Elective(NCERT), Hindi Core, Hindi Elective, Mathematics, Physics, Chemistry, Biology, Business Studies, Economics, Accountancy**”.

There is no challenge in the writ petition to the validity of the

notification in regard to the non-inclusion of subject of Legal Studies. Therefore, the prayer made by the petitioners for mandamus cannot be granted because mandamus can be issued only when the petitioners have a right and the respondents have a corresponding duty under the law.

In view thereof, I do not find any merit in the writ petition and the same is hereby, dismissed.

7th July, 2015
Shivani Kaushik

[RAKESH KUMAR JAIN]
Judge