

134
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13654 of 2015
Date of decision: 10.07.2015

Aayushi Dhanda

...Petitioner

Versus

The Central Board of Secondary Education and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Aman Pal, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for issuance of a writ in the nature of Certiorari, for quashing the impugned order dated 12.05.2015 passed by respondent No.1, declining the request of the petitioner to change her subject from French-018 to Hindi Core B-085 in Class X in the Session 2015-16.

In short, the petitioner is a student of Delhi Public School, Yamuna Nagar, affiliated to CBSE. She chose French language-018 as one of her subjects in Class IX. When promoted to Class X, she made a request through her father to the Principal of the School on 03.04.2015 for changing her subject from French to Hindi. The School/respondent No.3 forwarded the request of the petitioner to respondent No.1 on 22.04.2015 for changing her subject. However, respondent No.1, vide impugned order dated 12.05.2015, rejected the request of the petitioner. The petitioner has thus filed the present

writ petition.

Learned counsel for the petitioner fairly submitted that as per Rules 26 of the examination bye laws of the CBSE, a student cannot change his subject of study after passing Class IX or Class XI as the case may be. But it is also provided in clause (iv) that the Chairman would have powers to allow change in subject(s) in Class X or Class XII, as the case may be, to avoid undue hardship to the candidate provided such a request for change is made before 31st August. Rule 26 of the examination bye laws of the Board is reproduced as under:-

'26 Rules for change in Subject

- (i) Change of subject (s) in class XI may be allowed by the Head of the School but not later than 31st of October of that academic session.*
- (ii) No candidate shall be permitted to change his subject of study after passing class IX or XI as the case may be.*
- (iii) The candidate shall not offer a subject in class X and XII which he has not studied and passed in class IX and XI respectively.*
- (iv) Notwithstanding anything contained in the rules 26(ii) and (iii), Chairman shall have the powers to allow a change in subject (s) in class X/XII, as the case may be, to avoid undue hardship to the candidate provided such a request for change is made before 31st August."*

Learned counsel for the petitioner has argued that the request of the petitioner has been turned down by the Competent Authority without assigning any reason which is further causing undue hardship to the petitioner.

I have heard the learned counsel for the petitioner. After examining available records, I am of the considered opinion that no relief can be granted to the petitioner in this case because it is a

matter of discretion, vested with the Chairman of the Board to allow or decline the request made by such a student who seeks to change his/her subject when promoted to Class X. The discretion has been exercised by the Competent Authority against the petitioner for which he cannot be compelled by the Court.

In view of the above, I do not find any merit in this case.

Dismissed.

July 10, 2015

vandana

(Rakesh Kumar Jain)
Judge