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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P.(MD)No.9709 of 2016

and

W.M.P.(MD).No.7715 of 2016

I.Durai Henry

(Minor aged about 17 years)

represented by his father and natural guardian,

D.Ilango.

...Petitioner

Vs.

1. The Chairman,

Central Board of Secondary Education,

Siksha Kendra, Community Centre,

Preet Vihar,

Delhi 110 092.

2. The Director General,

National Informatic Centre,

A Block, CGO Complex,

Lodhi Road,

New Delhi 110 003.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to treat the petitioner's application bearing No.61154556 under OBC category for admission of courses in any of the colleges under the respondents and treat the petitioner under OBC category for the purpose of ranking of Joint Entrance Examination (Main) 2016 by considering the representation dated 22.05.2016 within the period that may be stipulated by this Court.

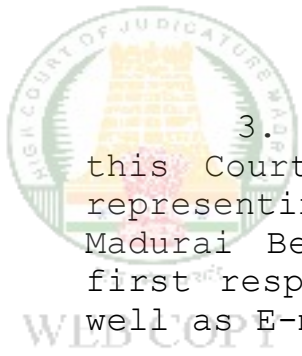
For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.K.Pradap Sudarsan for
Mr.G.R.Swaminathan

O R D E R

Heard the learned counsel for the petitioner.

2. It appears that the Learned Assistant Solicitor General of India, Madurai Bench had taken notice on behalf of the respondents. Furthermore, it comes to be known that the first respondent/CBSE, Delhi has its own Learned counsel. In fact, the copy of the affidavit and the typed set in W.P.(MD).No.9709 of 2016 were submitted through facts as well as E.mail.



3. Today, when the matter has come up for hearing before this Court at 2.30 p.m., Mr.K.Pradap Sudarsan, learned counsel representing the learned Assistant Solicitor General of India, Madurai Bench, brings it to the notice of this Court that the first respondent/ CBSE, Delhi was duly informed through Facts as well as E-mail as early as on 03.06.2016.

4. According to the petitioner, he belongs to Hindu Nadar Community which is classified as Other Backward Category (OBC). Further, he had passed his 10th standard examination and secured 492 marks out of 500. He had also passed in the higher secondary examination during March-2016 and secured 1094 marks out of 1200. He applied for the Joint Entrance Examination (Main) 2016, so as to get admission for B.E.,/ B.Tech., & B.Arch. Course.

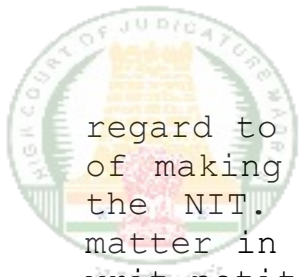
5. The stand of the petitioner is that he had approached a 'private cyber cafe' at nearby town Tenkasi to fill up the form through online. While filling the online application form for Joint Entrance Examination (Main) 2016, conducted by the first respondent/ CBSE, Delhi, the category was wrongly entered in the application as 'general' instead of 'OBC' category by inadvertence on the part of the operator.

6. The pith and substance of the plea of the petitioner is that while filling up the online application, the category was wrongly entered as 'General' instead of 'Other Backward Class' and that the said mistakes were committed by the private cyber cafe operator inadvertently. Moreover, the petitioner's son was issued with a hall ticket for Joint Entrance Examination held on 03.04.2016 and in the entrance examination he secured 76 marks out of 160.

7. It comes to be known that the last date for carrying out the corrections in the application was already over and the wrong mentioning of the category in the application came to the knowledge of the petitioner at the time of issuance of mark sheet. Therefore, the petitioner's son sent a representation through E.mail on 20.05.2016, to the first respondent/CBSE/Delhi, requesting him to correct the category before drawing up the rank list by condoning the delay in filing the application for correction after the last date.

8. The learned counsel for the petitioner submits that the petitioner's son I.Durai Henry secured 76 marks which comes within the zone of consideration under other backward class category and indeed, in respect of 'other backward class category, the cut of mark was determined as 70.

<https://hcservices.ecourts.gov.in/fdservices/> appears that the petitioner made a representation dated 22.05.2016 addressed to the first respondent through registered post with a request to make necessary corrections in



regard to date of birth as well as category by condoning the delay of making corrections so as to enable him to join in any one of the NIT. Since the respondents have not acted in the subject matter in issue, the petitioner is constrained to file the present writ petition.

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10. In view of the fact that the relief sought for in the main writ petition is to consider the representation of the petitioner dated 22.05.2016, by the first respondent/CBSE, Delhi, this Court, at this stage, without delving deep into the merits of the matter and also not expressing any opinion one way or other in the subject matter in issue, simplicitor, directs the First respondent/CBSE, Delhi to look into his son's representation dated 22.05.2016 with all earnestness and seriousness and to dispose of the same on merits within a period of two weeks from the date of receipt of a copy of this order (of course, after providing necessary opportunity to the petitioner by adhering to the principles of natural justice, if the situation so warrants)

11. With the aforesaid observation and direction, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Chairman,
Central Board of Secondary Education,
Siksha Kendra, Community Centre,
Preet Vihar,
Delhi 110 092.

2. The Director General,
National Informatic Centre,
A Block, CGO Complex,
Lodhi Road,
New Delhi 110 003.

+1cc to M/s.Ajmal Associates for
Mr.C.Venkatesh Kumar, Advocate in SR.26616

W.P. (MD) No.9709 of 2016
06.06.2016

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