

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.W.P No. 12548 of 2016
Date of decision: 15.6.2016**

Karmanya

.....Petitioner.

vs.

Central Board of Secondary Education and anotherRespondents.

CORAM: - HON'BLE MR. JUSTICE M.JEYAPPAUL.

Present:- Mr. Vivek Aggarwal, Advocate for the petitioner.

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M.JEYAPPAUL, J (ORAL)

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Heard.

Notice of motion.

On the asking of the Court, Mr. Nitin Kant Setia, Advocate present in Court, accepts notice on behalf of respondents

The writ petitioner though not annexed the notice dated 24.5.2016 issued by Central Board of Secondary Education (CBSE) notifying revaluation of the subjects, it appears that the writ petitioner has virtually challenged the above notice.

In the above notice, it has been categorically observed that only as regards the subjects specifically referred to therein, the request for revaluation would be entertained. It is found that Physical Education was not one of the subjects which was notified as subject for revaluation.

The Co-ordinate Bench of this Court in the similar writ petition in CWP No. 12420 of 2016, Shaurya Gulati vs. Central Board of Secondary Education dated 13.6.2016, relying upon the decision of the Delhi High Court in Samarth Mittal vs. Union of India and others, 2015 (6) AD (Delhi

498, held that CBSE cannot restrict for revaluation subjects when the bye-laws do not envisage any such restriction of revaluation. There was also no plausible reason for discriminating the candidate who appeared for Physical Education paper in the matter of revaluation.

In the light of the above, the writ petition is allowed and the 2nd respondent is directed to consider the request made by the petitioner for conducting the revaluation of the theory subject of the Physical Education, subject to deposit of the usual charges. The 2nd respondent shall also intimate the petitioner the result declared by them on revaluation within a period of two weeks from the date of issuance of this order.

Copy of this order be given dasti under the signature of the Bench Secretary.

(M.JEYAPPAUL)
JUDGE

15.06.2016
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