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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 903/2015

PRAMOD RASTOGI Petitioner

Through: Petitioner in person

versus

JYOTI BOSE & ORS Respondent

Through: Mr. Prabhat Kumar & Mr. Sumeet
Pushkarna, Advs. for R-1 & R-2
Mr. Amit Bansal, Ms. Seema Dolo &
Mr. Akhil Kulshrestha, Advs. for
CBSE

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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22.02.2016

The petitioner is the father of Keshav, who studied in Springdales School from Nursery till Standard X. Springdales School, Dhaula Kuan is affiliated to Central Board of Secondary Education.

Keshav appeared in Standard X examination, the result of which was declared by CBSE even though the school had undertaken the internal examination. The result of Keshav was correct in physical form but in the website, some errors had crept in. Under the orders of this Court, taking into account the possibility of Keshav facing some difficulty in future, the result on the website was corrected.

Keshav had another grievance. According to him, he had studied six

subjects; five being compulsory which included Mathematics and 'Foundation of Information Technology' as an additional sixth subject.

The school management took the stand that Keshav had taken 'Foundation of Information Technology' as a compulsory subject in place of Mathematics as he was not comfortable in Mathematics. The aforesaid issue was not adjudicated as it was in the domain of disputed question of fact for which the remedy was filing a civil suit and not a writ petition.

The son of the petitioner had taken admission in Class XI in Springdales School in the stream of Humanities in the Academic Year 2013-2014 but had to repeat the class for another year because his result was not declared. The stand of the school management was that the son of the petitioner did not appear in the Class XI examination in the subject of Psychology in the main examination as well as in the compartment examination. As a result, he was not promoted to Class XII.

A bench of this Court by order dated 25.08.2015, considering the career of the son of the petitioner, directed the school management to conduct compartment examination in Psychology for the son of the petitioner and if the son of the petitioner passed in the same, it was further directed that he be promoted to Class XII in the same school.

The petitioner, thereafter filed CM Appln. No.22153/2015 stating that pursuant to the order dated 25.08.2015, his son appeared in the compartment examination on 11.09.2015 but the school management did not declare the result, for the reason that CBSE did not permit the son of the petitioner to appear in Class XII Board examination in March, 2016. The aforesaid assertion of the petitioner was denied by the school management and it was stated by the school that the son of the petitioner never appeared in the

examination.

The school as well as the Board (CBSE) were, by order dated 09.10.2015, directed to inform the court whether the son of the petitioner would be permitted to appear in the Class XII Board examination in March, 2016 and if so, whether it would be expedient to take the compartment examination of the son of the petitioner so that if he passes in the aforesaid examination, he could be promoted to Class XII in the same school so as to enable him to take the Board examination in March, 2016.

The CBSE, on instructions, informed the court that rules did not permit the son of the petitioner to take the Class XII Board examination in March, 2016, even if he were promoted to Class XII.

The prayer of the petitioner, therefore, in CM Appln. No.22153/2015 which was filed for issuance of direction to permit his son to take the Board examination of Class XII was rejected.

However, pursuant to the order dated 25.08.2015 passed by this court, the school management provided two opportunities to the son of the petitioner to appear in the exam but he did not, for some reason or the other, avail those opportunities.

Several correspondence of the school management with the petitioner has been shown to the court. Though, the petitioner maintains that his son Keshav took the examination, but the aforesaid fact is disputed by the school management.

It further appears that the son of the petitioner stopped coming to the school from 19.03.2015 and remained absent till 30.10.2015. After intimation to the petitioner, his name was struck off from the rolls of the school and he was given a transfer Certificate (TC).

This Court tried to know from the school management whether, considering that the future prospects of the son would be marred and he would be loosing on time, he could be permitted to appear in Psychology (Theory Paper) for being promoted to Class XII.

The school management, on enquiry and after referring the matter to the Board, came up with the reply that it was not at all possible. The aforesaid stand of the school was because of the past conduct of the petitioner wherein instead of cooperating with the school management, frivolous litigation was engendered and the son of the petitioner chose not to attend the classes before his name was struck off from the rolls of the school.

This Court is satisfied that the school management did its best to carry out the orders and observation of this court. The son of the petitioner did not act responsibly.

There is no reason for this court to initiate any contempt proceedings against the respondents as they have carried out the observations/orders of this Court in its true spirit.

Thus, the present petition is without merits and has to, perforce, fail.

The opportunity given by the school was not taken advantage of by the son of the petitioner. It was only because of the wilful absence of the son of the petitioner that transfer Certificate was given to him. Asking the school management to now, bypass the rules and permit him to write the examination would be permitting an errant student to take advantage of his intransigence. After transfer Certificate is given to a student, he no longer remains a student of the school.

The petition is thus dismissed.

ASHUTOSH KUMAR, J

FEBRUARY 22, 2016

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