

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.35765 of 2016

Varun Dinesh

.. Petitioner

Vs.

1. The Secretary

Central Board of Secondary Education
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110092

2. The Regional Officer

Central Board of Secondary Education
Regional Office,
New No-3, Old NO.1630 A, "J" Block,
16th Main Road, Anna Nagar West,
Chennai - 600 040.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the second respondent in CBSC/RO(M)/CONFI/REVAL/2016, dated 22.08.2016 and quash the same in the interest of justice.

For Petitioner : Mr.C.Rajan

For Respondents : Mr.G.Nagarajan,
Standing Counsel for CBSE for
R1 & R2

WEB COPY
O R D E R

The petitioner is a student who had studied in CBSE curriculum and completed his +2 board examination during the academic year 2015-16 and the results were also published in the month of May, 2016. It is stated by the petitioner that he undertook examination for all the subjects and prepared very well for his examination and was expected to score above 90% in

all the subjects. While so, when the results of the examination were announced in the month of May, 2016, the petitioner had scored good marks in all the subjects except the subject of Psychology, wherein he obtained only 77%, which according to him was very low. Therefore, he had applied for verification of total marks to the CBSE through online. Thereafter he obtained the answer sheets and applied for revaluation as the marks awarded to the petitioner were not proper and correctly evaluated. However, the respondent/CBSE has issued Circular Notice No.COORD/ XII/2016 dated 24.05.2016, prohibited any person from re-valuating the Psychology subject. Hence the above writ petition is filed challenging the order passed by the respondent in CBSE/RO(M)/CONFI/ REVAL/2016, dated 22.08.2016, in and by which it is stated that there is no provision for revaluation for the subject Psychology (Subject Code : 037) as per the revaluation policy of the Board. The said order is now under challenge before this court.

2. The learned counsel for the petitioner after narrating the facts, brought to the notice of this Court an order passed by the High Court of Punjab and Haryana at Chandigarh in Shaurya Gulati v. Central Board of Secondary Education (order dated 13.6.2016 passed in C.W.P.No.12420 of 2016), which was challenging the very same notification. The learned Single Judge of the said Court has held that there is no rationale behind prohibiting the revaluation of the theory paper of Physical Education which was under challenge there. Therefore, the said notification was quashed and the writ petition was allowed. The very same notification is now under challenge.

3. From the perusal of the records it is seen that based on the said notification dated 24.05.2016, the petitioner has given representation dated 24.06.2016 to respondents 1 and 2 and a reply was received from the second respondent dated 22.08.2016 rejecting the request of the petitioner herein to revalue the Psychology paper.

4. The learned counsel for CBSE also fairly conceded that the very same notification was quashed by the High Court of Punjab & Haryana and, therefore, there is no impediment to revalue the Psychology paper of the petitioner.

5. In the light of above facts, the petitioner herein is directed to renew the application as already presented along with the requisite fee to the respondents within the period of two weeks from the date of receipt of a copy of this order and thereafter the respondent is directed to consider his application within four weeks.

With the above directions, the writ petition is disposed of.
No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1. The Secretary
Central Board of Secondary Education
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110092
2. The Regional Officer
Central Board of Secondary Education
Regional Office,
New No-3, Old NO.1630 A, "J" Block,
16th Main Road, Anna Nagar West,
Chennai - 600 040.

+ one cc to MR.G.NAGARAJAN Advocate SR.NO. 22459
+ 3 cc to MR.C.RAJAN, Advocate SR.NO. 22135

W.P.No.35765 of 2016

PA (CO)
RRI (20/04/2017)

WEB COPY