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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6370/2017**
MASTER VIMAL VAJPEYI

..... Petitioner

Through Ms. Neha Garg, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION

..... Respondent

Through Mr. Amit Bansal and Ms. Seema
Dolo, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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08.08.2017

The petitioner had appeared in the CBSE examination. The result of the 12th class was declared on 28.05.2017. Her contention is that thereafter since 07.07.2017, she was repeatedly visiting the office of the respondent to find out as to how revaluation of her paper could be carried out but she could not get any clear response. The petitioner had admittedly submitted her application for revaluation to the respondent on 12.07.2017. No reply was received to her representation. She accordingly issued a legal notice to the Department on 17.07.2017 which was also with no avail. She was constrained to file the present writ petition. The contention of the petitioner is that the judgment of the Division Bench of this Court reported in Areeba Hasan & Others Vs. Central Board of Secondary Education in W.P. (C) No.5540/2017 delivered on 06.07.2017 has clearly noted that the petitioners who were parties in that writ petition

would alone not be given the benefit of the revaluation which was a relief which would be available across the board to all students. Submission is that in that case, the Division Bench had noted that one petitioner (petitioner No.4) had submitted his application for revaluation on 04th and 05th July, 2017 which had initially not been accepted by the Department but in terms of the order of the Court it was accepted and the revaluation was permitted. The application was given a retrospective date.

Learned counsel for the petitioner has also placed reliance upon an order delivered on 12.07.2017 in C.M. No.24222/2017 where another petitioner had approached the Division Bench in W.P. (C) No.5540/2017); the application for revaluation in that case had also been made by the applicant on 12.07.2017 and the Division Bench had directed the Department to consider the application of that applicant. The said order dated 12.07.2017 has been placed on record. The stand of the Department in that case was that the Controller of Examination of CBSE had issued a circular on 07.07.2017 to all regional offices that applications for revaluation of students should not be refused. The contention of the petitioner is that she is being illegally discriminated upon.

Counter affidavit has been filed by the respondent. Learned counsel for the respondent points out that in this case the petitioner has not applied for a photocopy of her answer-sheets; in the absence of this, the respondent is at loss to understand as to which questions have to be revaluated; the entire question paper cannot be revaluated. It is additionally pointed out that the Notification of the respondent

dated 28.06.2017 is clear on this aspect.

In rejoinder, learned counsel for the petitioner points out that the petitioner has not applied for photocopy of the answer-sheets for the reason that she was running from pillar to post between 28.05.2017 up to 12.07.2017; the judgment of the Division Bench was delivered on 06.07.2017; on 12.07.2017 the stand of the Department was that a circular has been issued on 07.07.2017 informing all the regional offices that revaluations have to be carried out in terms of the order of the Division Bench and this works in her favour.

This Court endorses this submission of the learned counsel for the petitioner. This Court also notes that condition No. (i)

“In class XII only those candidates who have applied for obtaining photocopy of the evaluated answer book shall be eligible to apply for scrutiny of marks awarded to any question (s) with respect to the available marking scheme in the following major subjects only to the respective Regional Offices”

which is contained in the Notification dated 28.06.2017 had in fact been watered down by the orders of the Division Bench which in paragraph 23 of their judgment has noted that the prohibition contained in conditions No.(i), (iii) & (vii) of Notification dated 28.06.2017 may not read as a prohibition.

The petitioner has made out a good case. The application of the petitioner which has been filed on 12.07.2017 seeking a revaluation shall be considered by the Department. Learned counsel for the petitioner points out that the questions which have to be specifically revaluated shall be informed to the Department qua each subject for

which he has sought a revaluation.

Petition allowed and disposed of in the above terms.

It is made clear that this order is passed in the peculiar facts of the instant case.

INDERMEET KAUR, J

AUGUST 08, 2017

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