

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7234 of 2018

1. Kundan Kumar , son of Vinay Kumar, Resident of Village-Udayani, Police Station-Gopalpur, District-Patna.
2. Aryan Kumar, son of Madan Kumar, Resident of Village-Kurthoul, Police Station-Parsa, District-Patna.
3. Rohit Kumar, son of Dilip Paswan, Resident of Village -Punpun, Police Station-Punpun, District-Patna.
4. Swaraj Rathore, son of Ravi Shankar Singh, Resident of Village-Kurthoul, Police Station-Parsa Bazar, District-Patna.
5. Abhimanyu Raj, son of Raj Kumar Gupta, Resident of Village-bhagyapur, Police Station-Gopalpur, District-Patna.
6. Aman Singh, son of Baijnath Singh, Resident of Village-Simara, Police Station-Parsa Bazar, District-Patna.
7. Akash Kumar, son of Ajay Prasad, Resident of Village-Bodhachak, Police Station-Parsa Bazar, District-Patna.
8. Shubham Kumar, son of Late Mahendra Prasad Singh, Resident of village-Punpun, Police Station-Punpun, District-Patna.
9. Hrithik Singh, son of Late Nawal Kishore singh, Resident of Village-Sipara, Police Station-Beur, District-Patna.
10. Atharv Solanki, son of Ashok Kumar, Resident of Village-Yadav Chak, Police Station-Parsa Bazar, District-Patna.
11. Arohi Sinha, Daughter of Nagendra Kumar, Resident of Kusum Puram Colony, Kurthoul, Police Station-Parsa Bazar, District-Patna.
12. Shreya Raj D/o Rajeev Kumar, Resident of Village-Sipara, Police Station-Beur, District-Patna.
13. Nandini Anand D/o Suraj Prasad, Resident of Village-Yadav Chak, Police Station-Parsa Bazar, District-Patna.
14. Smriti Sonal D/o Bablu Kumar, Resident of Dashratha, Police Station-Fulquarisharif, District-Patna.
15. Snigdha Pranjal, Daughter of Pawan Kumar, Resident of Triveni Singh Colony, Churamil, Gali No. 4, Police Station-Parsa Bazar, District-Patna.
16. Arpana Sinha, Daughter of Abhay Kumar, Resident of Ramesh Colony, Dariyapur Raod, Kurthoul, Police Station-Parsa Bazar, District-Patna.
17. Soni Singh, Daughter of Binod Kumar Singh, Resident of Sipara, Police Station-Beur, District-Patna.
18. Archana Kumari, Daughter of Shiv Shankar Prasad, Resident of Village-Sipara, Police Station-Beur, District-Patna.
19. Kajal Singh, Daughter of Jagdish Prasad Singh, Resident of Shekhpu8ra, Police Station-Ram Krishna Nagar, District-Patna.
20. Akash Kumar Singh, Son of Munna Prasad Singh, Resident of Village-Janakpur, Police Station-Janakpur, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Human Resources Development, Delhi.
2. The Central Board of Secondary Education, Delhi, through its Chairman.
3. The Chairman, The Central Board of Secondary Education, Delhi.
4. The Regional Officer, Patna Region, Central Board of Secondary Education, Patna.



5. The State of Bihar through the Principal Secretary, Department of Home, Patna.

6. Ichcha Public School, Nihampur, Belaganj, through the Principal, R/o-Belaganj, Police Station-Belaganj, District-Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7549 of 2018

1. Rakesh Ranjan, Son of Sri Ram Kalewar Yadav, Resident of Village- Akashpura, P.O.- Kewalpatti, P.S.- Khajauli, District- Madhubani under guardianship of Ram Kalewar Yadav.
2. Ved Prakash, Son of Sri Sunil Kumar Singh, Resident of Village- Rahmatpur, P.O.- Samastipur, P.S.- Mahnar, District- Vaishali, unde guardianship of Kumar Gaurav.
3. Sneha Suri, Daughter of Sri Ramji Prasad, Resident of Village- Amnaur, P.O.- Amnaur, District- Saran under guardianship of Meena Devi.
4. Niraj Kumar, Son of Sri Madan Kumar Madhukar, Resident of Village- Bisharia, P.O.- Chikna, P.S.- Ghoghardiha, District- Madhubani, under guardianship of Indra Mohan Gupta.
5. Aditya Kumar, Son of Sri Dilip Kumar, Resident of Village- Jhargamwa, P.O.- Paithna, P.S.- Islampur, District- Nalanda, under guardianship of Nikita Priya.
6. Abhinay Gupta, Son of Sri Ashish Kumar, Resident of Village- Chailital, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Ashish Kumar.
7. Kumar Nishant, Son of Sri Prashant Kumar Pandey, Resident of Mohalla- Arfabad Rithigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Prashant Kumar Pandey.
8. Kumar Sourav, Son of Sri Sachidanand, Resident of Mohalla- Sakrigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Kumar Sachidanand.
9. Ayush Raj, Son of Sri Awadhesh Kumar Sinha, Resident of Mohalla- Bajrangpuri, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Kumar Sinha.
10. Kumar Abhijeet, Son of Sri Kumar Shivanand, Resident of Mohalla- Sakrigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Kumar Sachidanand.
11. Ayush Kumar, Son of Sri Vijay Kumar, Resident of Mohalla- Danka Imli Path Pitambra Mandir, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Vijay Kumar.
12. Nandini Kumari, Daughter of Sri Dharmendra Kumar, Resident of Mohalla- Gowel Toli, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Dharmendra Kumar.
13. Khusboo Kumari, Daughter of Sri Avinash Kumar, Resident of Village- Ramnagr Mathpar, P.O.- Basbiga, P.S.- Dhanarua, District- Patna, under guardianship of Avinash Kumar.
14. Sandhya Kishore, Daughter of Sri Kamal Kishore, Resident of Mohalla- Sakrigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Kamal Kishore.



15. Ravi Kumar, Son of Late Pappu Sao, Resident of Mohalla- Sakrigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Rekha Devi.
16. Ayush Kumar, So of Sri Santosh Kumar, Resident of Village- Allbuxpur, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Santosh Kumar.
17. Hrishika, Daughter of Sri Sushil Kumar, Resident of Mohalla- Sakrigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Anshu Kumari.
18. Ayushi Kumari, Daughter of Sri Santosh Kumar Sharma, Resident of Mohalla- Pitambra Mandir Colony, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Santosh Kumar Sharma.
19. Rahul Kumar, Son of Sri Shaw, Resident of Mohalla- Sakrigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Sri Anil Shaw.
20. Rohit Kumar, Son of Late Ravindra Kumar Yadav, Resident of Mohalla- Sakrigai, Gwaltoli, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Mallu Kumar.
21. Sameer Sangam, Son of Sri Satish Chandra, Resident of Mohalla- Sakrigali, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, under guardianship of Sandeep Kumar.

... .. Petitioner/s

Versus

1. Central Board of Secondary Education, through its Chairman, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi- 110092.
2. The Chairman, Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi- 110092.
3. The Secretary, Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi- 110092.
4. The Examination Controller, Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi- 110092.
5. The Regional Director, Central Board of Secondary Education, Patna Region, Ambika Complex, Behind State Bank Colony, Near Brahmsthan, Sheikhpura, Raza Bazar, Bailey Road, Patna- 800014.

Respondents 1st set

6. The Union of India through the Secretary (School, Education & Literacy), Ministry of Human Resource Development, Government of India, New Delhi.
7. The Secretary (School, Education & Literacy), Ministry of Human Resource Development, Government of India, New Delhi.

... .. Respondents 2nd set

Appearance :

(In Civil Writ Jurisdiction Case No. 7234 of 2018)

For the Petitioner/s	:	Mr. Dhruv Mukherjee, Sr. Advocate Mr. Jagdish Prasad Singh
For the CBSE	:	Mr. Vinay Krishna Tripathy
For the Union of India	:	Mr. S.D.Sanjay, Addl. Solicitor General) Ms Punam Kumari Singh, CGC
For the State	:	Mr. S.C.Mishra -Sc16

(In Civil Writ Jurisdiction Case No. 7549 of 2018)



For the Petitioner/s : Mr. Arup Kumar Chongdar
For the State : Mr. Smt. Binita Singh- SC-28
Mr. Nishant Kumar Jha, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-04-2018 Heard counsel for the parties.

Both these writ applications have been filed, seeking a direction to the Central Board of Secondary Education, hereinafter referred to as 'the CBSE' to conduct the examination of subject 'Sanskrit'(Class X) which was earlier held on 02.04.2018. The petitioners claim that they could not participate in the examination because of a call given by the political parties for '*Bharat Bandh*'. They could not turn up at the examination centre because of obstructions caused on way to the respective examination centres. They had approached the Regional Office of the CBSE for re-conduct of examination of the said paper. The petitioners of CWJC No. 7234 of 2018 are the students of Ichcha Public School, Nehalpur, Belaganj, Gaya, whereas the petitioners of CWJC No.7549 of 2018 are the students of St. Josheph's Public School, MSV Nagar, Samastipur.

Today, a letter issued by the Regional Officer, CBSE, Patna dated 22.04.2018 has been produced from



which it appears that on the basis of the requests received from the school/candidates, the competent authority has accorded approval for re-conduct of the said examination on 27.04.2018. The said letter contains the number of candidates who have been allowed to appear in the examination to be held on 27.04.2018, school-wise.

It is evident from the letter that 19 candidates of Ichcha Public School have been allowed to appear for the examination.

Learned counsel, appearing on behalf of the CBSE, has submitted that only 19 examinees of the said school had approached the CBSE with a request for re-conduct of the examination and, accordingly, 19 candidates have been allowed. Name of 20th candidate which figures in the representation brought on record by way of Annexure-4 to the writ application, is not there in the representation actually made to the CBSE, he submits, which is not being disputed.

Leaned counsel for the petitioners, at this stage, informs that petitioner no.20 of CWJC No.7234 of 2018 has also filed a separate representation before



the Regional Officer, CBSE on 23.04.2018, for re-conduct of the examination.

The Court expects the competent authority to consider the representation of petitioner no.20 of CWJC No. 7234 of 2018, also sympathetically for re-conduct of the examination.

The writ applications stand disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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