

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

**CWP No. 10184 of 2018
Date of decision : 18.05.2018**

Lavish Taneja (Minor)

...Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. N. K. Setia, Advocate
for respondent Nos. 1 to 3.

Ms. Aditi Sheoran, Advocate
for respondent No. 4.

RAKESH KUMAR JAIN, J. (Oral)

This petition is filed for quashing the impugned revised report card dated 06.04.2018 (Annexure P-1) by which the petitioner has been denied promotion to Class X.

Learned counsel for the petitioner has referred to the notification dated 09.03.2017 issued by the Central Board of School Education (for short 'CBSE') to all the school affiliated to it in which it is provided that *“if any student fails in any one of the three elective subjects (i.e. Science, Mathematics and Social Science, then it will be replaced by the Vocational subject (offered as a 6th additional subject) and result of Class X Board Examination will be computed accordingly. However, if a candidate desires to reappear in the failed subject, he/she may appear along with the compartment examination.”*

It is submitted that a circular has also been issued by the CBSE on 21.03.2017 (Annexure P-3) on the uniform system of assessment, examination

and report card for Class VI - IX from Academic Year 2017-2018 onwards.

Clause 3 of the said circular, relied upon by the petitioner, read as under:

“3. With restoration of Class X Board examination, the CBSE will issue the report card for class X based on the Board examination with effect from Academic Year 2017-18. As the assessment structure and examination pattern for class IX will be similar to that of class X, the report card for class IX issued by the school also be similar to that of class X.”

The whole emphasis of the petitioner is on the point that even if the petitioner has failed in one of the elected subjects, i.e. Science, Mathematics and Social Science, he cannot be denied promotion to Class X and at the most, still he can be asked to reappear in the failed subject.

On the other hand, learned counsel for the respondents-CBSE has made submissions with reference to Examination Bye-Laws, 1995 (updated upto January, 2013), pertaining to admission and examinations with reference to Class X dealing with Academic Qualification for Undertaking Examinations. He has referred to Clause 10.2(d) wherein it is provided that *“qualified Class IX examination by obtaining minimum Grade D in all the five subjects (excluding 6th additional subject) of study under Scholastic Area A and grades in subjects under Scholastic Area B and co-scholastic areas atleast one year earlier than the year in which she/he would take the Secondary (Class X) examination conducted by the Board/School affiliated to the Board.”*

Learned counsel for the respondents-CBSE has further submitted that the petitioner has to necessarily obtain Grade D in all the five subjects excluding additional subjects but the revised report card, produced by him on

the record, shows that he has obtained Grade E in Science and, therefore, he does not qualify for admission to Class X in terms of Clause 10.2(d) of the Examination Bye Laws, 1995.

I have heard learned counsel for the parties and have also perused the record with their able assistance.

Reliance placed by the petitioner upon circular dated 21.03.2017 (Annexure P-3) read with notification dated 09.03.2017 is inconsequential because Clause 3 (supra) deals with assessment and examination pattern for Class IX about which it has been said that it would be the same as Class X. Therefore, the said circular would not be applicable to notification dated 09.03.2017 on the basis of which, the petitioner has submitted that even if he has failed in one of the elected subjects i.e. Science, he can be allowed to reappear in the failed subject. The case is governed by Clause 10.2 (d) of the Examination Bye-Laws, 1995 in which it is categorically provided that a student, who has not obtained Grade D in all the five subjects, would not be promoted to Class X. There is no exception to the Examination Bye-Laws which governs all the students who have appeared or to appear in Class IX examination in future. Therefore, for the sake of equity, the petitioner cannot be allowed to be promoted to Class X.

With these observations, the present writ petition is dismissed.

18.05.2018

Waseem Ansari

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No