

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1097 OF 2020

Tanush Prakash Potdukhe, Wardha

Vs.

Central Board of Secondary Education R.L.M. Business Park & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri J.S. Mokadam, Advocate for the petitioner.
Shri P. S. Chawhan, Advocate for the respondent Nos.1 and 2.

**CORAM : DIPANKAR DATTA, CJ. AND
R.K. DESHPANDE, J.**

DATED : NOVEMBER 03, 2020.

P. C.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The petitioner is a student of a school, which is affiliated to the Central Board of Secondary Education (hereafter “the C.B.S.E.”, for short). He did not attend the requisite number of classes in the 10th standard and was accordingly disallowed from writing the School Final Examination (hereafter “the Examination”, for short) which was scheduled to commence from February 26, 2020. The school had, however, submitted a proposal before the C.B.S.E. for condonation of deficiency in attending classes. Such proposal had also not been considered by the C.B.S.E.

either way. Aggrieved thereby, the petitioner approached this Court by presenting the instant Writ Petition.

3. A co-ordinate Bench of this Court by its order dated February 25, 2020 granted the petitioner permission to write the Examination, subject to result of the Writ Petition. An order was also passed directing the C.B.S.E. to consider the proposal submitted by the school.

4. By an order dated August 20, 2020, the C.B.S.E. has rejected the proposal of the school. However, it is not in dispute that pursuant to the aforesaid order dated February 25, 2020, the petitioner was allowed to write the Examination but his results have been withheld during the pendency of the Writ Petition.

5. Today, we are informed that the petitioner attended only 25% of the classes during the last academic year. This was the primary reason for which the C.B.S.E. declined to accept the proposal of the school for condonation of deficient attendance. We see no reason to interfere with such action of the C.B.S.E. since with 25% attendance, which is way below the required percentage of attendance, no student can legitimately expect to have his result declared. Appearance of the petitioner in the Examination, therefore, shall be of no effect.

6. However, the petitioner should not lose the opportunity of taking the Examination to be conducted by

the C.B.S.E. in the year 2021. We have ascertained from Shri Chawhan, learned Advocate for the C.B.S.E., that as a special case, the petitioner may be permitted to be re-admitted in Class 10 of the school.

7. In such view of the matter, we direct the school to re-admit the petitioner in Class 10, if an approach is made by him in course of this week. Such admission shall be as a special case and would not operate as a precedent in future. The petitioner's attendance in classes shall be reckoned from the date he is admitted. Counted from such date, if the petitioner attends the requisite number of classes making him eligible to take the Examination in the year 2021, the C.B.S.E. shall accord permission therefor.

8. With this direction, this Writ Petition stands disposed of. There shall be no order as to costs.

9. The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

(R.K. DESHPANDE, J.)

(CHIEF JUSTICE)