

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

**CWP No.12642 of 2020 (O&M)  
Date of Decision: November 11, 2020**

Utkrishta Sharma

...Petitioner

VERSUS

Central Board of Secondary Education and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N.SATYANARAYANA  
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.V.K.Kaushal, Advocate for  
Mr.Parveen K. Kataria, Advocate  
for the petitioner.

Mr.Kannan Malik, Advocate  
for respondents No.1 and 2.

Mr.Anant Bir Singh Sidhu, Advocate  
for respondent No.4.

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**S.N.SATYANARAYANA, J.**

The matter has been taken up through video conferencing in the  
light of COVID-19 pandemic.

In this writ petition, serious accusations and allegations are  
made by the petitioner against two teachers of 3<sup>rd</sup> respondent-Alpine  
International Senior Secondary Education, where she has studied for 12<sup>th</sup>  
standard examination. The sum and substance of the accusation is that in the  
practical examination of Physics, which was conducted on 07.02.2019,

though she was awarded 24 marks in the said subject, only 12 is uploaded

due to mischief played by two teachers of said school by name Ms.Pavneet Kaur and Ms.Kamaljeet Kaur, which was brought to the notice of school authorities in the month of September 2019. It is, on the basis of the said complaint, a certificate has also been issued by the school authorities vide Annexure P-2 and representation was sent to respondent No.2-Regional Office, CBSE, Panchkula, to make necessary correction in the marks list, to upload another 12 marks, which was not done. Hence, the present writ petition is filed.

When this matter was heard at length on 03.11.2020, we felt that the 2<sup>nd</sup> respondent has not filed statement of objections, on the contrary, making a wrong submission that statement of objections is already filed. That observation was made in the absence of the date of filing of the statement of objections being not given and also all the relevant particulars. It is in aforesaid circumstance, the order dated 03.11.2020 was passed. While passing that order, we also observed that the matter should be called today and a responsible officer from the office of 2<sup>nd</sup> respondent to be present before the Court along with original records. It is in the aforesaid circumstance, this matter is listed for today for the appearance of responsible officer of 2<sup>nd</sup> respondent.

In the meanwhile, an application in CM-12006-2020 is filed seeking recalling of order dated 03.11.2020 with reference to observation made by this Bench that the written statement not being filed, the same is required to be explained properly, otherwise cost of Rs.25,000/- will be imposed. This day, in the presence of learned counsel appearing for the respondents as well as the responsible officer holding the post of Assistant Secretary of CBSE being present with all the original records, the matter was

taken up. However, at this juncture, it was brought to our notice that the counsel on record for the petitioner could not be present before the Court due to bereavement in the family. However, there is proxy counsel, who sought for time. At this juncture, we explained to him that only thing that is required to be decided, is whether involvement of Kamaljeet Kaur and Pavneet Kaur is there in uploading of marks for physics practical examination of the petitioner. It is to verify, that the original records are secured from the 2<sup>nd</sup> respondent. It is only on the basis of that, the claim of the petitioner will have to be decided and therefore, in his presence, this matter will be taken up and then by looking into the document, it will be decided. So far as arguments are concerned, we express that learned counsel for the petitioner is heard at length and it is only because of the submission made by him that teachers of 3<sup>rd</sup> respondent are instrumental in causing the damage, we have secured the presence of an officer of 2<sup>nd</sup> respondent.

When we went through all the documents, which are made available to us, it is seen that the practical examination for physics was conducted on 07.02.2019, in the presence of Gurpreet Kaur as Internal Examiner and Sukhwinder Kaur as External Examiner. The document which is produced before us would clearly indicate that marks which is allotted to petitioner with roll No.2741259 is 12, for subject 042-Physics. The said statement also indicate that out of total 53 candidates, who are supposed to appear on that day, only 50 were present and three were absent. The practical examination was conducted for 50 of them and the marks, which is awarded to the petitioner as against her roll No.2741259 is 12 marks for the subject of Physics bearing Code No.042. It is seen that on the same day, at 3.21 p.m., the marks which is allotted to 50 candidates, who

appeared for practical examination of Physics subject is uploaded by Sukhwinder Kaur, External Examiner and Gurpreet Kaur, Internal Examiner. Thereafter, there is declaration signed by Sukhwinder Kaur with ID No.5548485 as External Examiner by indicating the date on which, she has affixed the signature, which clearly disclosed that what was awarded to the petitioner is only 12 marks and not 24 as contended by her and it is seen that the same is uploaded on the same day i.e. 07.02.2019 at 3.21 p.m. So far as, the names, which are now mentioned as the persons who are responsible of the mischief are the persons namely Kamaljeet Kaur and Pavneet Kaur, are Internal Examiners for the practical examination of Chemistry bearing subject code-043 and Biology bearing subject code-044, which were conducted on 08.02.2019 and 06.02.2019 respectively. It is clearly seen that those two teachers, have got nothing to do with allotment of marks in Physics subject and there is no error in uploading the same.

Now, coming to other material available on record, it is clearly seen that though the marks were uploaded on 07.02.2019, it is not challenged till September 2019 i.e. the date when the petitioner was not able to secure admission to BIMS course with 4<sup>th</sup> respondent. It is thereafter, the present writ petition is filed with distorted facts as could be seen from the records which are made available to us.

In the aforesaid circumstance, we feel it is appropriate to dismiss this writ petition with costs. However, considering the fact that the petitioner is only a student, we warn her of good behaviour in future and not to make such false and reckless allegation against the authorities for personal gain and we also place on record our displeasure with reference to the management of 3<sup>rd</sup> respondent, who have been hand in glove with the

petitioner to somehow ensure that she would get additional 12 marks to pursue her dream of medical education.

With aforesaid observations, this writ petition is dismissed.

While doing so, we also recall certain observations made against learned counsel for 2<sup>nd</sup> respondent for not furnishing the information regarding filing of statement of objections on earlier date to 03.11.2020.

**(S.N.SATYANARAYANA)**  
**JUDGE**

**(ARCHANA PURI)**  
**JUDGE**

**November 11, 2020**  
Vgulati

Whether speaking/reasoned  
Whether reportable

**Yes/No**  
**Yes/No**