

\$~A-8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3315/2020 & CM APPL. 11628/2020

RUKMINI DEVI PUBLIC SCHOOL ... Petitioner
Through: Ms. Asha Jain Madan, Adv.

versus

CENTRAL BOARD OF
SECONDARY EDUCATION & ORS. ... Respondents
Through: Mr.Amit Bansal and Ms.Seema
Dolo, Advs. For R-1.
Mr. Rajesh Gogna, CGSC for R-2.
Mr.Santosh Kr. Tripathi, ASC for
R-3/GNCTD.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **01.06.2020**

1. This writ petition is filed by the petitioner seeking to impugn the notification dated 13.05.2020 issued by respondent No. 1 whereby the petitioner has been directed to provide and extend an opportunity to re-appear in the school-based test again to all the failed students of 9th and 11th class irrespective of whether their examinations have been completed and exam results have been released.

2. I have heard learned counsel for the parties.

3. Learned counsel for the petitioner has urged that the said notification dated 13.05.2020 has no basis or rationale. It is urged that the petitioner school has already completed the examination and supplementary examination for the students of class 9th and 11th. They will needlessly have to re-do the examination for the students who could

not clear the earlier examination which would cause grave administrative inconvenience as the entire question papers have to be set again and the examination has to be taken again.

4. Reliance is also placed on a communication issued by Government of NCT of Delhi dated 19.05.2020 to plead that the impugned notification dated 13.05.2020 issued by CBSE is at variance with the notification issued by Government of NCT of Delhi on 19.05.2020.

5. I may just look at the impugned notification dated 13.05.2020. Relevant para of the said notification reads as follows:-

“CBSE, in view of the requests of the parents and students, as a one time measure in extraordinary situation, has decided that all the failed students of 9th and 11th will be provided an opportunity to appear in a school-based test again. Opportunity will be extended to students irrespective of whether their examinations have been completed and the exam results have been released or their exams have not been completed. This facility is to be extended irrespective of number of subjects and attempts.

6. A perusal of the said notification clearly shows that it is a one-time measure in the extraordinary situation whereby the failed students of 9th and 11th class will be provided an opportunity to appear in a school-based test again. Merely because the petitioner has to re-conduct the test for some of the failed students who would be very small in number cannot be a ground to impugn the present notification or strike the same down. It is a beneficial notification for the students and would not warrant any interference.

7. The next submission of the learned counsel for the petitioner relying upon the notification dated 19.05.2020 issued by Government of NCT of Delhi is misplaced inasmuch as the notification of Government of NCT of Delhi dated 19.05.2020 is not in conflict with the impugned

notification dated 13.05.2020.

8. There is no merit in the present petition. The same is accordingly dismissed. Pending application also stand dismissed.

JAYANT NATH, J.

JUNE 1, 2020/rb