

27.04.2021
SL No.8
Court No.17
(gc)

MAT 6 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Augustine's Public School & Anr.
Vs.
Council for the Indian School Certificate Examinations & Ors.
(Via Video Conference)

Mr. Aniruddha Mitra,
...for the Appellants.
Mr. Sanjay Kr. Baid,
...for the Respondents Nos.1 & 2.

Re: CAN 2 of 2021

We have considered the report filed by the Stamp Reporter. The appeal is within time.

In view thereof, the application for condonation of delay is disposed of recording the report of the Stamp Reporter that the appeal is within time.

The application being, CAN 2 of 2021, is thus disposed of.

Re: MAT 6 of 2021
With
CAN 1 of 2021

By consent of the parties, the appeal and application are taken up together and disposed of by this common order.

The appeal is arising out of an order dated 19th October, 2020 passed by the learned Single Judge in connection with a writ petition in which the appellants have

challenged the decision of the Council for the Indian School Certificate Examinations (in short “Council”) in distributing the Statements of Marks and Pass Certificates along with Migration Certificates of the students who were passed Class-X standard in the academic year 2020 through Ratnakar North Point School. The Council appears to have taken a decision to hand over the packet containing the Statement of Marks and Pass Certificates along with Migration Certificates of the appellant-School. In view of the complaints being received from the students and/or guardians that the Principal of the appellant-School had deliberately not issued the Mark-Sheets and Pass Certificates for ISCE Examination, 2020 and in the interest of the students, the stand was taken by the Council.

Mr. Aniruddha Mitra, learned Counsel appearing on behalf of the appellants has submitted that no complaint has been received by the Council and the action of the Council is in violation of the relevant Rules and Guidelines of said Council. It interferes with the autonomy and functioning of the School.

Mr. Sanjay Kr. Baid, learned Counsel appearing on behalf of the Council has submitted that this application has now become infructuous because such students who had passed out Class-X in 2020 and received Mark-Sheets and Migration Certificates have joined different institutions and their academic interests cannot be prejudiced without

hearing them who were not made parties either in the writ petition or before us.

The learned Single Judge in the interest of the students finds that the impugned writ petition has now become infructuous as several students of the 2020 Batch had upon receipt of the Mark-Sheets from the Council and Migration Certificate joined different schools, disposed of the writ petition by the observation that the said order shall not stand in the way of the present appellants challenging any future action of the Council to make over Statement of Marks and Migration Certificates by ignoring them and through a different school. The rights of the appellants have been duly preserved by the learned Single Judge. We also appreciate the argument made by Mr. Mitra that bypassing the school with regard to the distribution of the Mark-sheets and Migration Certificates clearly interferes with the administration of the school and unless there are grave doubts and/or reasons that by action of the school the students are prejudiced and their academic interests are in jeopardy, the said action of the Council is not warranted.

With the aforesaid observation, the appeal and the application are disposed of by affirming the order passed by the learned Single Judge.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)