



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

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W.P. (MD) Nos.592, 594, 596 to 599 and 601 of 2021  
and

W.M.P. (MD) Nos.506 to 509, 511 to 518, 520 and 521 of 2021

L.Balakrishnan,

XII Standard (Minor, aged 17 years)

S/o. Lakshmana Perumal, 203/6, Athaikondan, Kovilpatti, Thoothukudi District, Rep. by Her Mother / Natural Guardian, Mrs. P.Marithai.

... Petitioner in WP(MD). 592/ 2021

S.Lok Mudra

XII Standard (Minor, aged 17 years)

D/o.R.Saravanakumar,

632, K6/5, Teachers Colony, Mookarai Pillayar Kovil Back Side, Kovilpatti, Thoothukudi District Rep by Her Mother/Natural

Guardian, Mrs.R.Selva arthy

... Petitioner in WP(MD). 594/ 2021

B.Lashithaa,

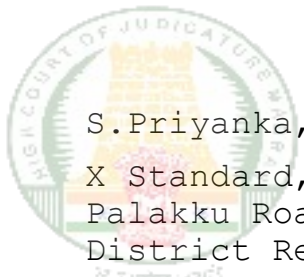
X Standard (Minor, aged 15 years)

Daughter of K.Balasubramanian, 73/5, Vinayaga Nagar, Alampatti, Kovilpatti, Thoothukudi District, Rep. by Her Mother / Natural Guardian, Mrs.R.Maheswari ... Petitioner in WP(MD). 596/ 2021

S.Mithul Shyamalan

X Standard (Minor, Aged 15 Years) S/o S.Satheesh 124 Vakkil St., Kovilpatti, Thoothukudi District Rep. by Her Father/natural Guardian Mr.S.Satheesh

... Petitioner in WP(MD). 597/ 2021



S.Priyanka,

X Standard, (Minor, aged 15 years) D/o.D.Senthil Kumar, 630E/5,  
Palakku Road, Shanmuga Sigamani Nagar, Kovilpatti, Thoothukudi  
District Rep by Her Mother/natural Guardian

MRS.K.Anandhalakshmi.

... Petitioner in WP(MD). 598/ 2021

S.Saishri X Standard (Minor,aged 15 years)

D/o.S.Senthilkumar,

5th Cross Street,

Rajiv Nagar, Kovilpatti, Thoothukudi District, Rep by Her  
Mother/natural Guardian Mrs.V.Suprriyyaa

... Petitioner in WP(MD). 599/ 2021

C.Priya Dharshni,

XII Standard, (Minor aged 17 years) D/o. G.Chandrasekar, 13N/27  
Sriram Nagar, Manthithoppu Road, Kovilpatti, Thoothukudi District ,  
Rep. by Her Mother/natural Guardian, Mrs.Jeya.

... Petitioner in WP(MD). 601/ 2021

- Vs. -

1.The Director,

National Council of Educational Research and Training (NCERT),  
Sri Aurobindo Marg, Adechini,  
New Delhi 110 016.

2.The Chairperson,

Central Board of Secondary Education (CBSE),  
"SHIKSHA KENDRA",  
No.2, Community Centre, Preet Vihar,  
New Delhi.

3.The Controller of Examinations,

Central Board of Secondary Education (CBSE),  
"SHIKSHA KENDRA",  
No.2, Community Centre, Preet Vihar,  
New Delhi.

4.The Principal,

EDUSTAR International School,  
New Town Kovilpatti 628 502.

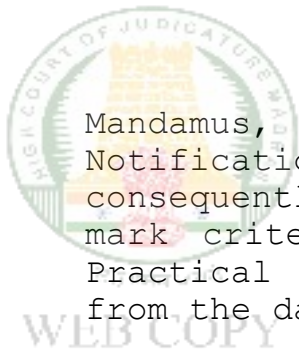
5.The Chiarmen,

EDUSTAR International School,  
New Town Kovilpatti 628 502.

.. Respondents(in all Petitions)

**COMMON PRAYER:** Writ Petitions filed under Article 226 of the  
Constitution of India, praying to issue a Writ of Certiorarified

<https://hccourtsonline.org/>



Mandamus, calling for the records of the 3<sup>rd</sup> respondent in Notification No.CBSE/CE/2020 dated 31.12.2020 and quash the same and consequently directing the 3<sup>rd</sup> respondent to reduce the minimum pass mark criteria and to postpone the schedules of both Theory and Practical Examinations after ensuring 120 working days in school from the date of opening.

**IN ALL WPs**

For Petitioner : Ms.S.Mahalakshmi

For R1 : Mr.V.Malaiyendiran  
Central Government Standing Counsel

For R2 & R3 : Mr.P.Karthick

For R4 & R5 : No appearance

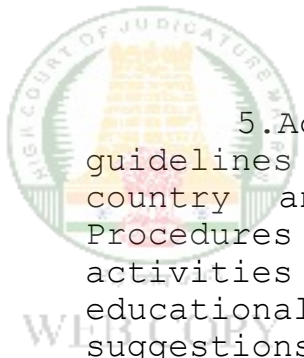
**COMMON ORDER**

All these writ petitions have been filed on behalf of the students of the 4<sup>th</sup> respondent school, aggrieved by the impugned notification, dated 31.12.2020 issued by the 3<sup>rd</sup> respondent in regard to the conduct of the board examination for the classes 10, 11 and 12 for the academic year 2020-2021.

2.The contention of all the petitioners herein in assailing the notification, dated 31.12.2020 issued by the 3<sup>rd</sup> respondent is common and the petitioners have also been stated to be aggrieved by the impugned notification and therefore, they have been interested in the outcome of these writ petitions. Therefore, these writ petitions are disposed of by a common order as under.

3.The grievance of the petitioners herein is in regard to the starting of the classes for the students of the 4<sup>th</sup> respondent school and pursue their 12<sup>th</sup> standard class for the academic year 2020-2021. The classes were conducted through on-line, due to the present pandemic situation and according to these petitioners, they have been performing well in the Term Examinations and they have also been performing consistently well in the earlier years in the lower standards.

4.The Central Board of Secondary Education, which is referred to a CBSE, has taken a decision for conducting the board examination for the classes 10 and 12, which were postponed, due to COVID-19 situation during the academic year commencing from 2020. The original scheduled dates were postponed during the critical pandemic crisis, the board has decided to evaluate the marks on the basis of the earlier performance of the students.



5. According to these petitioners, there were periodical guidelines issued in 2020, after the outbreak of the pandemic in the country and the Ministry had issued the Standard Operating Procedures (SOPs) for all citizens covering various spheres of activities including the safety measures to be followed in the educational institutions, be it schools or colleges. One of the suggestions made was to revolve alternative academic calendar in order to overcome the crisis and to fill up the gap of physical attendance of the students in the school.

6. While the matter stood thus, the 3<sup>rd</sup> respondent, who is in-charge of the conduct of the board examination, has issued a notification, dated 31.12.2020 for conducting the board examination for 10<sup>th</sup> and 12<sup>th</sup> standards and the notification contains the following information:-

**"CENTRAL BOARD OF SECONDARY EDUCATION**

**No. CBSE/CE/2020**

**31.12.2020**

**NOTIFICATION**

*As the situation due to COVID-19 pandemic being faced by the students / teachers and schools is unprecedented. CBSE in order to ensure a conducive environment to the students for the exams and based on the feedback and consultations with diverse stakeholders has decided the following and accordingly notified that:-*

**1.** *The Board examinations for Class X and XII will commence from 4<sup>th</sup> May, 2021 (Tuesday).*

**2.** *Schools will be allowed to conduct Practical/Project/Internal Assessment of Class XII from 1<sup>st</sup> March, 2021 (Monday) to the last date of conduct of theory examination of the same class.*

**3.** *Similarly, schools will be allowed to conduct the Practical/Project/Internal Assessment of Class X from 1<sup>st</sup> March, 2021 (Monday) to the last date of conduct of theory examination of the same class.*

**4.** *Date sheet of both Class X and XII will be issued soon.*

**5.** *CBSE will also inform all the stakeholders about information related to examinations from time to time. Information will be made available on CBSE website. Information available on any other platform including social*



media should not be treated as correct, if not available on Boards' website.

Sd/-

Controller of Examinations."

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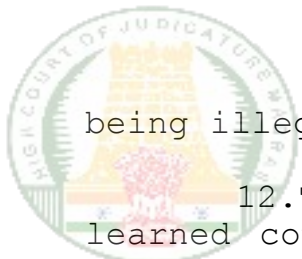
7. These petitioners found that certain guidelines delineated under the notification were practically not implementable and would also cause great hardship and suffering to the students during the crisis period. The students also apprehend that their performance would be considerably and irretrievably affected and more so, their safety would be at stake, if the students were compelled to attend the physical classes.

8. The further grievance of these petitioners is that the minimum proximity of the date of the examination scheduled in May 2021 with reduced academic calendar would be a reduction in their performance and their full potential to perform during the crucial period of the school career would be undermined, which cannot be compensated in future.

9. The affidavit filed in support of these writ petitions contained a detailed narrative pointing out various lacunae and pitfalls in the impugned notification, which would completely wreak havoc on the future of the young students, who have been fervently aspiring to achieve their higher growth in their crucial period of their education in terms of their academic performance.

10. The learned counsel for the petitioners would passionately submit that the impugned notification issued by the 3<sup>rd</sup> respondent suffers from non-application of mind, as the authority has not taken into consideration the various issues and problems, which are to be faced by the students, if the notification is proceeded with. According to the learned counsel, instead of following the regular method of schooling, it is not possible in the present circumstances to compel the students in the compressed academic programme. On the other hand, the 3<sup>rd</sup> respondent could have adopted alternative academic calendar in order to help the students to undertake the courses with the protection they required from being affected by the possible virus attack. She would submit that the academic calendar in the short span of time in terms of the impugned notification would definitely affect the morale of the students and would run contrary to the welfare of the entire students community.

11. The learned counsel for the petitioner has repeatedly narrated the facts and the grounds as contained in the affidavit filed in support of these writ petitions and ultimately, the notification issued by the 3<sup>rd</sup> respondent is sought to be assailed as



being illegal, arbitrary etc.,

12. This Court has considered the passionate submission of the learned counsel for the petitioners. This Court finds plethora of information and details have been incorporated in the affidavit filed in support of these writ petitions on two broad aspects. One, attacking the notification and the academic calendar pointing out various defects and pitfalls, in terms of the academic calendar and also the safety of the students community in going ahead with the academic course in a short span of time. Secondly, the affidavit has also offered the alternative academic calendar as a solution to the present crisis period as that would take care of both continuity of school education during the crucial period of education, namely, 10<sup>th</sup> and 12<sup>th</sup> standards and also the safety of the students, which is the uppermost and paramount consideration of the parents in the present times.

13. In a matter like this, which involved the policy decision of the authorities concerned and such policy decision is implemented across the country, whether this Court has within its domain the power to interfere with such policy matters in order to upset the academic programme evolved by the Educational Authority for the present academic calendar year or not. The answer is definitely 'NO'. The suggestions that were put forth in the affidavit may look plausible at a first glance on a precipitous understanding of the passionate pleas of the students, nevertheless, the jurisdiction of this Court cannot be stretched beyond a particular legal boundaries of interference in the academic affairs of the schools or colleges in the realm of policy decision areas.

14. When the academic calendar was prepared for the present academic year, after taking into consideration the various factors, most importantly, the unprecedented pandemic crisis, the Courts cannot simply overturn such policy decision, merely on the basis of certain difficulties faced by the miniscule sections of few students in some part of the country. When the academic calendar programme has been evolved to be applied across the board, such programme cannot be subjected to interference of this Court because of a few students have some grievance as against the programme.

15. Even otherwise, the Courts need to be wary in interfering in such matters as the concerned authorities with their expertise and knowledge in administrative matters arriving at the decision, that cannot be simply trifled with at the instance of few students, who have been stated to be aggrieved in one corner of the country. The jurisdiction of this Court cannot be extended to interfere in evolving and formulating the academic calendar for the school students, as this Court is not a repository of any special knowledge to evaluate a particular programme as to its validity or irrationality and to appreciate in order to prefer any other



particular programme as suggested by these petitioners in these writ petitions. Such interference by this Court would amount to needless transgression into the domain of the educational administration, which this Court could not venture into as a matter of course. In such matters, there can always be a presumption in favour of the authorities that all relevant factors and pros and cons had been taken into consideration before the notification was issued by the 3<sup>rd</sup> respondent.

16. This Court is conscious of the fact that no action of the authority is beyond the power of judicial review under Article 226 of the Constitution of India. At the same time, every decision of the authority cannot be a subject matter of the judicial review, unless the action of the State authority is found to be illegal, arbitrary, irrational or unreasonable. This Court does not find such patent infirmities in the impugned notification of the 3<sup>rd</sup> respondent. In a matter like this there can be a valid presumption or assumption that the persons at the helm of the school administration and incharge of the lakhs of students and their academic welfare, their decision is beyond the pale of judicial intervention as a matter of course.

17. In the circumstances of the case, this Court does not see anything ominous in the impugned notification or any extraordinary shortcomings in the action of the 3<sup>rd</sup> respondent, mandating to have a look into the grievance of these petitioners and examining the impugned notification in the exercise of the judicial review of this Court under Article 226 of the Constitution of India.

18. For the above said reasons, this Court finds that there is no merit in these writ petitions and accordingly, all these writ petitions stand dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar (CS)

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TO:

1. The Director,  
National Council of Educational Research and Training (NCERT),  
Sri Aurobindo Marg, Adechini,  
New Delhi 110 016.



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4.The Principal,  
EDUSTAR International School,  
New Town Kovilpatti 628 502.

5.The Chiarman,  
EDUSTAR International School,  
New Town Kovilpatti 628 502.

1CC TO MR. P.KARTHICK, ADVOCATE SR 2243

KK  
20/05/2021  
8P/7C

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25.01.2021