

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.2212 of 2022
and W.M.P.Nos.3000 & 3001 of 2022

1.Minor Madhumita S
2.Minor Gobika S .. Petitioners
Both represented by their mother
and natural guardian, Mrs.Jaya

Vs.

1.The Central Board of Secondary Education (CBSE),
Rep. by its Chairman,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
2.The Controller of Examinations, (CBSE),
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
3.The Regional Officer, Chennai (CBSE),
New No.3, Old No.1630A, 'J' Block,
16th Main Road, Anna Nagar West,
Chennai - 600 040. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to scrap the marks of the CBSE Term I (multiple choice question) examination for Grades X and XII for the academic year 2021-22 and consequently forbear the respondents considering the same to arrive at the ultimate results that are to be declared after the conduct of the Term II (descriptive type) examination for Grades X and XII for the academic year 2021-22 in due consideration of the representation sent on behalf of the petitioners dated 29.12.2021.

For Petitioners: Mr.G.Gnanasundaran

For Respondents: Mr.G.Nagarajan

ORDER

In this Writ Petition, the petitioners are aggrieved by the award of marks by the second respondent. According to the petitioners, in the OMR Marksheets used for entering the answers, the first respondent had provided an empty box lastly for writing the correct answer. According to the petitioners, many Schools have followed an ingenious way to alter/manipulate the answers. According to the petitioners, the students have been instructed to write the alphabet 'c' in the last empty box in case they are not sure of the answer. Once the examination is completed, the answer papers were taken to Control Room by the Invigilators from the same school, who had also doubled up as Evaluators. According to the petitioners, they had simply changed the alphabet 'c' to either 'a' or 'b' or 'd' depending on what was the right answer. According to the petitioners, on coming to know of these malpractices, the first respondent has issued a new circular directing the change in the answer mode from smaller case letter to the upper case letter in the answer box namely, the answers should be given in capitals as 'A', 'B', 'C' or 'D'. According to the petitioners, to overcome this, the schools had simply instructed the students to leave the last box empty if they are not sure of the answers. According to the petitioners, the correct answers were later filled up in the Control Room and full marks were awarded to their students. The petitioner has given a representation on 29.12.2021, bringing to the notice of the respondents the malpractices referred to supra and called upon them to take action against the erring persons/officials. Since the representation has not been considered till date, the petitioner has filed this Writ Petition.

2. Heard Mr.G.Gnanasundaran, learned counsel for the petitioner and Mr.G.Nagarajan, learned counsel appearing for the respondents.

3. On instructions, learned counsel for the petitioner submits that the CBSE Schools Management Association has given a similar representation as the one given by the petitioner referred to supra and the same is under consideration by the respondents. The said statement is recorded.

4. No prejudice will be caused to the respondents if the petitioners' representation given by the CBSE School Management Association is considered on merits and in accordance with law.

5. Since the representation earlier given has not been acknowledged by the respondents, the petitioner will have to give a fresh representation.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the second respondent to take action against the erring officials of the respondents, who are alleged to have committed malpractices in the declaration of results of the petitioners as well as the other students, within a period of one (1) week from the date of receipt of a copy of this order and on receipt of the said representation, the second respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the latest representation given by the petitioner as well as the earlier representation given by them referred to supra as well as the representation given by the CBSE Schools Management Association, on merits and in accordance with law, within a period of two (2) weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Chairman,
The Central Board of Secondary Education (CBSE),
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
2. The Controller of Examinations, (CBSE),
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
3. The Regional Officer, Chennai (CBSE),
New No.3, Old No.1630A, 'J' Block,
16th Main Road, Anna Nagar West,
Chennai - 600 040.

+1cc to Mr.G.Gnanasundaran, Advocate SR.No.43090

W.P.No.2212 of 2022

RR(CO)
GMV(22/07/2022)