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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.Nos.28202 and 23897 of 2021
and
WMP No.6402 of 2022

1. S. Sujhan (Minor aged 16 years)
Rep. by Father and Natural Guardian
M.Sivakumar
2. P.N. Sheebha (Minor aged 16 years)
Rep. by Father and Natural Guardian
C. Namadevan
3. G.M. Raghavendran (Minor aged 16 years)
Rep. by Mother and Natural Guardian
G. Vijayalakshmi
4. A.U.Aashish (Minor aged 16 years)
Rep. by Mother and Natural Guardian
M.N. Asha,
5. S.U. Manesh (Minor aged 16 years)
Rep. by Father and Natural Guardian
T.P. Saravanan
6. E.S. Sahana (Minor aged 16 years)
Rep. by Father and Natural Guardian
E. Suresh Babu
7. K.K.Rithanya (Minor aged 16 years)
Rep. by Father and Natural Guardian
S. Karnan,
8. V. Lakshana (Minor aged 15 years)
Rep. by Father and Natural Guardian
M.Vijayabaskaran

... Petitioners in W.P. No.28202 of 2021

1. K.Shailendher (Minor aged 16 years)
Rep. by Father and Natural Guardian
A. Kannan



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2. S.A. Akshara (Minor aged 16 years)
Rep. by Father and Natural Guardian
K.Suresh Kumar,
3. R. Ramraghav (Minor aged 16 years)
Rep. by Mother and Natural Guardian
R. Mahalakshmi
4. S. Sanjay Kumar (Minor aged 15 years)
Rep. By Father and Natural Guardian
T. Sudhakar
5. V. Raajyashree (Minor aged 16 years)
Rep. By Father and Natural Guardian
S.V. Veeraraghavan
6. B. Aniksha (Minor aged 15 years)
Rep. By Mother and Natural Guardian
N. Anitha
7. B. Aniroopitha (Minor aged 15 years)
Rep. By Mother and Natural Guardian
N. Anitha
8. K.S. Vignesh Selvaa (Minor aged 16 years)
Rep. by Mother and Natural Guardian
S. Sudha
9. Bhargav Vasu (Minor aged 16 years)
Rep. By Mother and Natural Guardian
Latha Vasu
10. R. Pooja Shree (Minor aged 15 years)
Rep. By Mother and Natural Guardian
R. Sujatha
11. V. Shri Harshini (Minor aged 16 years)
Rep. By Mother and Natural Guardian
Swetha Vasudevan
12. S. Nivedhithaa (Minor aged 16 years)
Rep. By Mother and Natural Guardian
Priya S. Aiyappan
13. T. Athish (Minor aged 15 years)
Rep. by Father and Natural Guardian
T. Thirunavukkarasu



14.M.Mugesh (aged about 15 years)
Rep. By Father and Natural Guardian
A.P. Muthuveerappan

15.S. Bragadeesh (Minor aged about 16 years)
Rep. By Mother and Natural Guardian
S. Anuradha

16.S. Maithresh (Minor aged 15 years)
Rep. By Father and Natural Guardian
S.Sujithkumar

17.Abijith Sridhar (Minor 15 years)
Rep. By Father and Natural Guardian
R. Sridhar

18.Y. Monish (Minor aged 16 years)
Rep. By Father and Natural Guardian
Y. Bhuvaneswari

19.U. Lingeshwaran (Minor aged 15 years)
Rep. By Father and Natural Guardian
U. Udayachandran

20.G.S. Bharanidharan (Minor aged 15 years)
Rep. By Father and Natural Guardian
P. Gopalasamy

21.V.S. Harish Kumar (Minor aged 16 years)
Rep. By Father and Natural Guardian
V.S. Sekar

... Petitioners in W.P. No.23897 of 2021

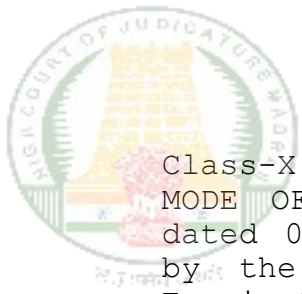
vs.

1. The Regional Officer,
Central Board of Secondary Education,
No.3, 6th Avenue,
Bharathi Nagar,
Anna Nagar,
Chennai - 600 040.

2. The Principal
Velammal Vidhyashram,
Surapet, Chennai - 600 066.

... Respondents in both W.P.s

Prayer in W.P. No.28202 of 2021: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of Mandamus, directing the respondents to pass orders for revision of marks awarded to the petitioners in



Class-X studying in 2nd respondent school in compliance with the MODE OF ASSESSMENT prescribed in Proceedings No.CBSE/CE/2021, dated 03.08.2021 by taking into consideration of marks secured by the petitioner in Periodic Test/Unit Test; Half Yearly Examination and Pre-Board Examinations as per the procedure contemplated in Circular in CBSE/CE/DISPUTE-RESOLUTION/2021, dated 08.08.2021 based on the representation submitted by the petitioners.

Prayer in W.P. No.23897 of 2021: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of Mandamus, directing the respondents to pass orders for revision of marks awarded to the petitioners in Class-X studying in 2nd respondent school in compliance with the MODE OF ASSESSMENT prescribed in Proceedings No.CBSE/CE/2021, dated 03.08.2021 by taking into consideration of marks secured by the petitioner in Periodic Test/Unit Test; Half Yearly Examination and Pre-Board Examinations as per the procedure contemplated in Circular in CBSE/CE/DISPUTE-RESOLUTION/2021, dated 08.08.2021 based on the representation submitted by the petitioners.

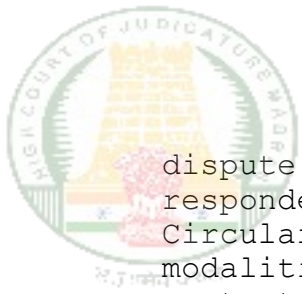
For petitioners in both writ petitions: Mr.G.Sankaran

For respondents in both writ petitions : Mr.G. Nagarajan for R1
Mr.C.Subramanian for R2

COMMON ORDER

By consent of both parties, both these Writ Petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions have been filed by students, who have written their Class X examination in the second respondent-School. Their grievance is that the evaluation of their marks has not been done in accordance with the mode of assessment prescribed by the Central Board of Secondary Education. All the petitioners had approached the second respondent-School by giving a representation on 04.08.2021 that their marks which were published on 03.08.2021 for all the subjects contradicts the marks provided by the second respondent-School. According to the petitioners, the second respondent-School has also acknowledged the said fact by giving their acceptance to the representation made by the parents of the students on 04.08.2021. The second respondent-School has also forwarded the representation of the students to the first respondent. According to the respective petitioners, the dispute raised by them will have to fall under the category "Type - 2"



dispute. Any decision will have to be taken by the first respondent only by following the procedure contained in the Circular issued by the first respondent which prescribes the modalities for resolution of such disputes. It is the contention of the petitioners that the first respondent has not followed the procedure prescribed as per their own Circular. According to them, the first respondent will have to follow the Circular dated 08.08.2021 but without following the said procedure, the marks which were declared earlier have been reiterated by the first respondent. It is also the contention of the petitioners that the second respondent-School had once again forwarded the erroneous results of the petitioners to the first respondent for fresh consideration on 30.10.2021. Since the said representation of the School has not been considered afresh by following the procedure as per the Circular of the first respondent dated 08.08.2021, the petitioners have filed this writ petition.

3. Heard Mr.G. Sankaran, learned counsel for the petitioners; Mr.G. Nagarajan, learned counsel for the 1st respondent and Mr.C.Subramanian, learned counsel for the 2nd respondent.

4. The learned counsel for the petitioner drew the attention of this Court to the following :-

a) Circular dated 08.08.2021 issued by the first respondent under which Clause - 3 deals with modalities for addressing "Type-2 dispute".

The learned counsel would submit that the dispute raised by the petitioners fall under the category "Type-2 dispute".

b) Letter dated 30.10.2021 sent by the second respondent-School to the first respondent intimating the first respondent about the discrepancies in the mark list prepared by the first respondent's office with regard to their students.

c) Mark sheet of the first respondent pertaining to one of the students, S.A. Akshara

5. After referring to the aforementioned documents, the learned counsel for the petitioners would submit that if the same was considered properly, the marks of the petitioners ought to have been revised by the first respondent.

6. A counter affidavit has also been filed by the first respondent stating that only by following the due procedure, the results of the petitioners were declared. According to them, the dispute raised by the petitioners was examined by the result committee, in accordance with the Circular dated



08.08.2021 and only thereafter the results already declared were reiterated. The grievance raised in these writ petitions pertains to students and it involves an important examination viz., the X standard examination. Therefore, this Court is of the considered view that in order to have no iota of doubt as to the true declaration of results, no prejudice would be caused if one more evaluation is done by following the procedure prescribed under law. The grievance of the petitioners in these writ petitions is that the procedure prescribed under the Circulars dated 03.08.2021 and 08.08.2021 have not been followed which is disputed by the first respondent though they have denied the contention of the petitioners. This Court is of the considered view that without expressing any opinion on the merits of the respective petitioners, no prejudice would be caused if the results of the petitioners, are once again re-considered afresh by following the procedure as contemplated under the first respondent Circulars dated 03.08.2021 and 08.08.2021 within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on the second respondent's representation sent on behalf of the petitioners requesting for correction of the marks within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Regional Officer,
Central Board of Secondary Education,
No.3, 6th Avenue,
Bharathi Nagar,
Anna Nagar,
Chennai - 600 040.



2. The Principal
Velammal Vidhyashram,
Surapet,
Chennai - 600 066.

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W.P.Nos.28202 and 23897 of 2021

SR-II (CO)
UMA (22/06/2022)