

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2985 OF 2023

AL-IRFAN SECONDARY SCHOOL (CBSE RESIDENTIAL)
VERSUS
THE CONTROLLER OF EXAMINATIONS AND OTHERS

.....
Advocate for the Petitioner: Mr. T.Y. Sayyed
Advocate for respondent Nos. 1 and 2: Mr. Sanjeev Deshpande,
senior advocate i/b Mr. Swapnil B. Joshi and S.S. Deshpande
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 14th MARCH, 2023.**

PER COURT :-

1. This Petition is filed today in the Registry. A motion was moved at 10.30 a.m.. Urgent circulation was granted on the production board at 2.30 p.m.

2. The Petitioner claims to be a CBSE residential school. It follows CBSE pattern and is registered with the CBSE Board. On a letter dated 6.2.2023, addressed to the concerned authorities of the CBSE, the petitioner requested for class X Social Science (087) question papers in Urdu language for 13 students, who are appearing in the Board Examination-2023. By reply dated 13.2.2023, The Assistant Secretary (Exam), informed the Principal of the Petitioner that as the first language of the school is English and the medium of instructions are English and Hindi, the request for providing Social Science question papers for 13 students in Urdu language, stands

rejected.

3. The Petitioner once again addressed the Controller of Examinations, vide communication dated 20.02.2023. It was claimed that previously the students received Social Studies question papers in Urdu and write answers in Urdu. 13 students have opted for Urdu language. Hence, a request was made that the Board should provide question papers in Urdu. Alternatively, it was requested that a translator at the Examination Center may be provided. This letter was responded to by the Controller of Examinations, vide his reply dated 21.2.2023. It is clarified that the contention that earlier Social Studies question papers were provided in Urdu, is far from truth. It is further communicated that as the Board is providing question papers in English and Hindi languages, the Social Studies question papers cannot be supplied in Urdu language.

4. The learned advocate for the Petitioner submits on instructions that up to the last academic year i.e. 2021-2022, some of the students used to receive question papers in Urdu language and were writing their answers in Urdu. The learned senior advocate, representing the CBSE, submits on instructions that the contention of the Petitioner is surprising, as the same is not accepted by the Controller of the Examination.

5. Taking into account the above issue and the fact that the

Examination has already commenced and the Examination for the subject of Social Studies is scheduled on 15.03.2023 at 10.30 a.m., there is hardly anything that can be done at this stage. Moreover, we cannot single out the present Petitioner for enjoying such facility since this is a subject of policy decision for the CBSE. Merely because the Petitioner has approached this Court would not mean that this Court should indulge in this matter and grant the said liberty. If at all the CBSE can provide question papers in Urdu for certain subjects, the same has to be done by way of a policy, to be made applicable uniformly to all CBSE pattern schools in India.

6. In view of the above, this Petition is dismissed.

7. Needless to state, if the Petitioner desires to invite the attention of the CBSE with regard to such demand of Urdu speaking students, who have opted only for Urdu medium instructions, they may request the Board well in advance. We leave it to the CBSE Board to take a decision on such request, if put forth. We clarify that we have not expressed any opinion on such a request.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/