



W.P.No.7940 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7940 of 2023

and

W.M.P.No.8191 of 2023

- 1.V.Divakar
- 2.G.Ananthakrishnan
- 3.N.Tarunika
- 4.K.Chaitanya
- 5.S.Sarah Angeline
- 6.R.S.Poojashri
- 7.S.Stephen Solomon
- 8.G.Harini
- 9.A.Digvijay
- 10.V.Kishore Kumar
- 11.I.Jessica Karen Isaac
- 12.Mohammed Waseem
- 13.H.Ritesh Kumar Singh
- 14.N.S.Poojaa Sri
- 15.S.Kavi Kuzhali
- 16.B.Manunidhi
- 17.R.Sudesh
- 18.S.Anusha
- 19.V.Suriya Prakash
- 20.S.Yazhini
- 21.M.Hameetha

... Petitioners

Vs.



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- 1.The Controller of Examinations,
CBSE Head office, Shiksha Kendra,
2, Community Centre,
Preet Vihar, Delhi – 110 092.
- 2.The Regional Officer,
CBSE Regional Office,
New No.3, Old No.1630 A,
J-Block, 16th Main Road,
Anna Nagar West,
Chennai – 600 040.
- 3.The Correspondent,
Spark Senior Secondary School,
No.9, Mahatma Gandhi Road,
Thirumalaikodi,
Vellore Taluk,
Vellore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.2 to consider the representation given by the petitioners 1 to 21 and to conduct re-examination for the 37 students who have studied in the 3rd respondent's school and appeared in CBSE XII Board exam 2022-23 as they have been made to suffer and sit and written Elective English under code No.001 instead of “The English Core Code No.301” as the 3rd respondent has negligently filled in the examination application of the petitioners and 16 other students as Code No.001 instead of Code No.301 in the computer coding sheet submitted by the 3rd respondent school authorities and as such, the petitioners and 16 others were forced by the 3rd



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respondent to write the exam elective English Code No.001 which the 3rd respondent has not taught to the petitioners and 16 other students during the academic year 2022 – 23.

For Petitioners : Mr.R.Ganesan

For Respondents : M/s.G.Nagarajan [R1 & R2]
Mr.Murali Kumaran
for M/s.MC.Gan Law Firm [R3]

ORDER

W.M.P.No.8188 of 2023 is filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within a period of two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. The Writ Petition has been filed seeking for a Writ of Mandamus, to direct the second respondent to consider the representation given by the petitioners 1 to 21 and to conduct re-examination for the 37 students who have studied in the 3rd respondent's school and appeared in CBSE XII Board exam 2022-23 as they have been made to suffer and sit



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and written Elective English under code No.001 instead of “The English Core Code No.301” as the 3rd respondent has negligently filled in the examination application of the petitioners and 16 other students as Code No.001 instead of Code No.301 in the computer coding sheet submitted by the 3rd respondent school authorities and as such, the petitioners and 16 others were forced by the 3rd respondent to write the exam elective English Code No.001 which the 3rd respondent has not taught to the petitioners and 16 other students during the academic year 2022 – 23.

3. The learned counsel appearing for the third respondent filed a counter affidavit and in paragraph Nos.13 and 14 of the counter affidavit, it has been stated as follows :

13. I respectfully submit that that on 09.03.2023, the 3rd Respondent received an email from the 2nd Respondent, with reference in No. CBSE/RO(CHENNAI) / EXAMS/ 2023 informing that with a view to resolve the issue of the error which arose due to the wrong selection of the code, the students who had appeared in the examinations in the subject not opted by them, are allowed to change the subject and write the examination for the subject which they opted



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for. The relevant portion of of the said communication is extracted hereunder;

"....a) All the 37 candidates will appear in examination in changed subject ie. English Core (301), which is to be conducted by the Board after 05.04.2023 for sports students.

b) A fee of Rs 1,000/- (Rupees one thousand only) against each candidate towards change of subject, shall be paid by the school to the Board Account.

c) You may take necessary action to comply with the decision of the Competent Authority of the Board....."

14. I respectfully submit that as soon as the 3rd Respondent received the communication, immediately on the very next day, i.e., on 10.03/2023 paid the examination fees for the 37 students amounting to Rs.37,000/- (Rupees Thirty Seven Thousand only) to C.B.S.E, towards the conduct of the English Core Exam for all of its 37 student and was intimated to the 2nd Respondent. The above fact was also immediately shared with the students and their parents and the copy of the communication dated 09.03.2023 sent by the 2nd Respondent was also given to them apart from the same being shared on the concerned WhatsApp group consisting of the school management, teachers and the parents of the Petitioners.



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4. A perusal of the above, makes it clear that re-examination of the students are to be conducted and the same was also communicated to the petitioners and the School. Hence, the prayer sought for in the present writ petition has becomes infructuous.

5. In view of the submissions made in the paragraph Nos.13 and 14 of the counter filed by the third respondent, this Writ Petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

24.03.2023

Index: Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation Case : Yes / No
sp



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M.DHANDAPANI, J.,

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