



WEB COPY



W.P.No.17464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.17464 of 2023

A.Yuvankumar,
Represented by his Guardian
Next friend Father A.Arunkumar

...Petitioner

-Vs-

1.The Regional Officer,
Central Board of Secondary
Education (CBSC),
Old No.1630 A, 6th Avenue,
3, 6th St, near Sri Devi Hospital,
Bharathi Colony, Bharathi Nagar,
Anna Nagar, Chennai, Tamilnadu – 600 040

2.The Principal,
Sainik School Amaravathi Nagar,
Udumalpet Taluk, Tiruppur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to forthwith constitute the promotion committee to deal with the peculiar situation of student failed in 11th standard 'C' Section Roll.No.6447 in the academic year 2022-2023 so as to conduct compartment/supplement examination to the petitioner's who failed in the academic year 2022-2023 for promoting the petitioner to get admitted in 12th Standard in the 2nd



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respondent school.

For Petitioner : Mr.S.P.Yuaraj
For R1 : Mr.G.Nagarajan
For R2 : Mr.A.R.Sakthivel

ORDER

The petitioner is stated to have suffered a fracture of his right hand, owing to which, he failed in at least three subjects in his 11th Standard examinations under the CBSE Board. He now seeks a special Supplementary Examination for him.

2.The learned counsel for the first respondent resisted the same on the ground that where a candidate fails in one subject, this can be accommodated as per the rules and not when the student fails in more than one subject. He also circulated the relevant by-laws and brought to the notice of the Court a Judgement of the First Bench of this Court in W.A.No.1430 of 2023 and batch., dated 25.07.2023, wherein, the First Bench essentially stayed away from interfering where game has to be played as per the rules. He further submitted that the petitioner has to now redo his 11th standard.



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3.The Sainik school, Udumalpet/second respondent is now required to consider the petitioner's case sympathetically, since the boy has a career before him and his injury should not cost him his life.

4.The Writ Petition is disposed of accordingly. No costs.

31.07.2023

Index : Yes/No

Internet : Yes/No

Tsg

Note: Issue order copy on 01.08.2023

To

The Regional Officer,
Central Board of Secondary
Education (CBSC),
Old No.1630 A, 6th Avenue,
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Bharathi Colony, Bharathi Nagar,
Anna Nagar, Chennai, Tamil nadu – 600 040



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N.SESHASAYEE, J.,

Tsg

Order made in
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