

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

251

**CWP-17459-2023 (O&M)  
Date of decision: 01.09.2023**

DIMPALVIR SINGH

....Petitioner

Versus

UNION OF INDIA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present : Mr. Krishan Singh Dadwal, Advocate  
Mr. Naresh Kumar, Advocate and  
Mr. Akhil Dadwal, Advocate for the petitioner.

Mr. Beant Singh Seemar, Advocate for respondent Nos.2 to 5 and 7.

Mr. Vivek Salathia, Advocate for respondent No.6.

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**VIKAS BAHL. J. (Oral)**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ or order or direction especially in the nature of certiorari for quashing the letter/communication dated 01.08.2023 issued by respondent No.2 (Annexure P-12), whereby the request of the petitioner to inter-change subject from Mathematics 041 to Biology 044 has been rejected.

2. The undisputed facts in the present case are that the petitioner had given the Secondary School Examination in the year 2021 and had cleared the same with exceptional performance and had scored Grade-A1 in all the subjects. Certificate annexed as Annexure P-1 (at Page 34 of the paper-book) would show that the petitioner had scored 100/100 marks in Science and Mathematics as well as in Computer Applications and had scored 99/100 in Social Science and 98/100 in Punjabi and English. A perusal of the certificate issued by the National Council

of Educational Research and Training (at page 36 of the paper-book) would show that the petitioner had accomplished excellence in Class X National Talent Search Examination 2021 and was held eligible for award of scholarship.

3. The petitioner had opted for medical stream in Class-XI and the main subjects of the petitioner in Class-XI were Chemistry, Physics, Biology, English with the additional subject being Mathematics. The petitioner scored very high marks in Class XI as is apparent from the Annual Report Card issued by Cambridge International School (at page 35 of the paper-book). It is also apparent that the petitioner was pursuing 'XI Medical A' which was specifically mentioned in Column No.3 of the said certificate. The petitioner after qualifying Class-XI was promoted to Class-XII and was pursuing his studies, when a checklist of the candidates was prepared by the school-respondent No.6 for the purpose of registration of Class-XII examination to be held in the year 2023. In the said checklist, the school had mistakenly mentioned Mathematics as subject No.2 and had Biology as subject No.6 (additional subject), which fact is apparent from the document annexed as Annexure P-2. The mother of the petitioner had visited the school and brought the said mistake to the notice of the school and requested them to make the necessary corrections and it is an admitted fact between the parties that the said correction was made and Biology was shown as subject No.2 and Mathematics as subject No.6 (additional subject), which is apparent from the document dated 05.08.2022 (Annexure P-3).

4. The petitioner appeared in the Class-XII examinations and again performed exceedingly well by scoring 100/100 marks in Painting; 95/100 marks in Biology; 97/100 marks in Chemistry and Mathematics; 96/100 marks in Physics and 90/100 marks in English, however, a perusal of the result would show that Biology was mentioned as an additional subject, whereas, Biology was one of the

main subjects opted by the petitioner and it is on account of the said mistake in the certificate (Annexure P-4) issued by the Central Board of Secondary Education (hereinafter referred to as 'CBSE'), that a dispute arose, resulting in the filing of the present writ petition.

5. It is the case of the petitioner that he is desirous of pursuing medical stream and wants to become a Doctor like his parents and has been working very hard towards his goal. Learned counsel for the petitioner has submitted that there is no fault or mistake on the petitioner's part and in case the certificate issued by CBSE mentioning Biology as an additional subject is not rectified, since Biology was one of the main subjects opted by the petitioner, then the petitioner would suffer irreparable loss inasmuch as several Universities mandate Biology as a compulsory subject for the purpose of admission in the course of MBBS.

6. Learned counsel for the petitioner has further submitted that immediately after the result was declared, the petitioner had approached respondent No.6-School and respondent No.6 in turn had sent an e-mail to CBSE requesting them to make the said rectification. Specific reference has been made by learned counsel for the petitioner to the letter dated 01.07.2023 (Annexure P-8), in which the school had written to the CBSE that on account of confusion, the subject of the petitioner had been inter-changed and the fact that the petitioner is a medical student from Class-XI onwards and that he had opted Mathematics only as an additional subject from Class-XI onwards were reiterated. It is stated that the school had also informed CBSE that they would remain more vigilant with respect to such cases in the future.

7. Learned counsel appearing for the CBSE has submitted that the facts are not much in dispute in the present case inasmuch as the school had submitted a list of candidates which has been annexed as Annexure R-2/1 along with the short

reply filed on behalf of CBSE and as per the same, the petitioner had opted for Biology as the main subject and Mathematics as an additional subject. Accordingly, as per document Annexure R-2/1, Biology was shown at Serial No.2 and Mathematics was shown at Serial No.6. It is submitted that subsequent to the same, the school had forwarded an email dated 16.12.2022, Annexure R-2/2, in which excel-sheet R-2/3 was appended and in the said excel-sheet, names of various students including the petitioner's were mentioned (petitioner at Sr. No.47) with a request for 'subject interchange' from Mathematics 041 to Biology 044. It is submitted that since, in the list of candidates submitted by the school Annexure R-2/1, Biology was shown as the main subject and Mathematics as an additional subject, thus, an inter-change sought would necessarily mean that Biology be treated as an additional subject and Mathematics as a core/main subject. It is submitted that on account of the same i.e. the email dated 16.12.2022 and the excel-sheet attached with the same, CBSE had made the said changes and issued the certificate accordingly and thus, the Board is not at fault in any manner. It is further submitted that it is on account of some misunderstanding at the school level that the excel sheet had been forwarded by them and it was incumbent upon the CBSE to have complied with the same. He has further submitted that in any case, if any change is to be made or a fresh certificate is to be issued after making corrections, then it is incumbent upon the Board to add a caption/endorsement in the certificate that the said certificate has been issued in pursuance to the order passed by the Court.

8. Learned counsel appearing for respondent No.6-School has submitted that since all the relevant documents are already on record, he does not wish to file reply and would make submissions on the basis of averments made in the writ petition, documents attached with it and along with reply filed on behalf of

respondent Nos.2 to 5 and 7. He has further submitted that the petitioner was pursuing medical stream in Class-XI and is an outstanding student, which fact is apparent from the certificates annexed along with the writ petition. It is submitted that the documents forwarded by the school dated 05.08.2022 to the CBSE (Annexure R2/1), filed along with short reply filed on behalf of CBSE, would show that the petitioner had opted for Biology as the main subject and Mathematics as an additional subject. It is submitted that on 16.12.2022, since certain entries with respect to some other students opting for a change was sent to the CBSE, however, at the time of sending the said information, on account of an oversight, the name of the petitioner was also mentioned in the same, although the documents that were already submitted with the CBSE (Annexure R2/1) reflected the correct position with respect to the petitioner. It is submitted that the school had very fairly written to the CBSE on 01.07.2023, reiterating that the petitioner was a medical student from Class-XI and had opted for Mathematics as an additional subject for Class-XI and that they would be more vigilant with respect to such cases in future and are even ready to deposit any fee in case, the same is required to be deposited.

9. This Court has heard learned counsel for the parties and perused the paperbook.

10. From the facts on record and the submissions made by the learned counsel for the parties, it is apparent that the petitioner is an outstanding student and had scored exceedingly well in Class-X and XII, which is apparent from certificates annexed as Annexures P-1 and P-4. Even in Class-XI, the petitioner had performed very well. The certificate of Class-XI (at page 35) would show that the petitioner had opted for medical stream with Mathematics as an additional subject and was pursuing the same. The petitioner was certified to be eligible for

scholarship by the National Council of Educational Research and Training vide certificate of merit (annexed at page 36 of the paperbook). The document R-2/1, which has been annexed by the CBSE along with the short reply filed on behalf of respondent Nos.2 to 5 and 7 would show that the entry in the list of candidates as on 05.08.2022 clearly showed that the petitioner had opted for Biology as the main subject and Mathematics as an additional subject. It is apparent that the entire confusion has arisen on account of the information which the school had sent via email dated 16.12.2022 (Annexure R2/2) to CBSE while seeking to rectify certain mistakes with respect to other students in the list annexed as Annexure R-2/3, which was sent along with the email dated 16.12.2023. The name of the petitioner should not have figured in the said list forwarded by the school as the information with respect to the petitioner had been rightly given in the list of candidates dated 05.08.2022, annexed as Annexure R2/1 and thus, there was no occasion for the school to have requested CBSE to make any changes with respect to the petitioner. The same, apparently, has been done on account of a mistake made by the school authorities and the school authorities in its letter dated 01.07.2023 annexed as Annexure P-8 had specifically stated that they would be more vigilant in future in such cases and have also stated in the said letter that the petitioner is a medical student from Class-XI onwards and he had opted for Mathematics as an additional subject. The aspect with respect to the confusion having been occurred on account of the mistake made by the school authorities has not been disputed before this Court.

11. From the facts, it is established that the petitioner is not even remotely at fault and in case the certificate (Annexure P-4) issued by CBSE is not rectified and the two corrections i.e. Mathematics as an additional subject instead of Biology and Biology as the main subject instead of Mathematics, are not

carried out, then the petitioner would suffer an irreparable loss in his future studies and thus the impugned order/letter dated 01.08.2023 (Annexure P-12) deserves to be set aside.

12. It would also be relevant to note that the result in the present case was declared on 12.05.2023 and immediately on 13.05.2023, the petitioner requested the school to take necessary action and the school, as is apparent from the email dated 30.05.2023 annexed as Annexure P-5, had sent a request on 13.05.2023 to the CBSE and thereafter also there has been constant communication between the petitioner and the school as well as the Board, finally culminating in the passing of the order dated 01.08.2023 (Annexure P-12) vide which the CBSE has rejected the prayer for making corrections in the certificate (Annexure P-4) and immediately, thereafter, the petitioner has filed the present writ petition on 04.08.2023 and notice of motion was issued on 10.08.2023 and thus, it is apparent that the petitioner apart from not being at fault, has also acted in a prompt manner.

13. Keeping in view the facts and circumstances, the present petition is allowed and the letter/order dated 01.08.2023, (Annexure P-12) is set aside and the respondent-CBSE is directed to issue a fresh certificate to the petitioner for Senior Secondary School Examination mentioning the subject-Biology as the core/main subject and Mathematics as an additional subject within a period of 04 weeks from the date of receipt of certified copy of the present order, subject to the petitioner depositing fee, if any, which is required to be deposited for the purpose of issuance of a fresh certificate, to which the learned counsel for the petitioner has fairly agreed and has also submitted that he would inquire about the same from the CBSE office at the time of furnishing and supplying the certified copy of the present order before CBSE and would also deposit the requisite fee, if any.

14. To meet the submission of the learned counsel for CBSE as recorded

in para 7 of the present order, it is clarified that it would be open to the CBSE to add a caption/endorsement in the fresh certificate to be issued, to the effect that the said certificate has been issued in pursuance of the order passed by the Court.

(VIKAS BAHL)  
JUDGE

01.09.2023  
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No