

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 11th April, 2023*

+ W.P.(C) 3867/2023 & CM APPLs. 15038/2023 & 15039/2023
MASTER DIPANSH RAWAT THROUGH HIS
GUARDIAN

..... Petitioner

Through: Mr. Aditya Sharma with
Ms. Aashta Dhawan and
Ms. Shaini Bhardwaj,
Advocates.
(M): 965f0727502

versus

THE BAPTIST CONVENT SENIOR SECONDARY SCHOOL
& ORS.

..... Respondents

Through: Mr. J.K. Chawla, Advocate for
respondent no. 1/school.
(M): 9810521722

Email: jkchawla.jkc@gmail.com

Mr. Atul Krishna, Senior panel
counsel for respondent no.
2/UOI.

(M): 8010414123

Email: advocateatulkrishna@gmail.com

Ms. Sakshi Shairwal, Advocate
for respondent no. 3/CBSE.
(M): 9899323077

Email: advsakshishairwal@gmail.com

Mr. Santosh Kumar Tripathi,
Standing counsel, (Civil),
GNCTD with Mr. Arun
Panwar, Mr. Tapesh Raghav,
Mr. Pradyumn Rao, Ms. Mahak
Rankawat, Mr. Utkarsh Singh
and Mr. Kartik Sharma,
Advocates for respondent no. 4.
(M): 9818112250
Email: scgnctd@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed on behalf of petitioner, who is a student of Class XI for direction to respondents, particularly respondent no. 1 school to conduct re-examination and allow the petitioner to re-appear in his final term examinations for Class XI and to remove the detention marks from the marksheets of Class XI of the petitioner.
2. On behalf of the petitioner, it is contended that the petitioner is a bright student who scored 73.20% in 9th standard and 88.4% in Class 10th board examination. It is submitted that due to the fact that the grandmother of the petitioner was not well during the period in question, the petitioner was unable to study for his examinations and was, thus, able to score only 42.2% in the final examination of Class XI. Thus, it is submitted that the petitioner has been wrongly detained in Class XI.
3. Notice was issued in the present matter on 27.03.2023. Pursuant thereto, learned counsels have appeared on behalf of the school as well as the CBSE.
4. Learned counsel appearing for the school has vehemently opposed the present writ petition.
5. On 29.03.2023, this Court had passed directions thereby granting liberty to the respondent school to consider the case of the petitioner, if re-examination of the student for Class XI final exams

could be conducted in view of the circumstances as expressed on behalf of the petitioner.

6. Today, Mr. J.K. Chawla, Advocate appearing for the respondent no. 1 school submits that the school was in touch with the CBSE. It is submitted that there is no provision for carrying out re-examination of Final examination of Class XI as per the CBSE Rules. It is further submitted that the student has rightly been detained in Class XI.

7. It is submitted that in case the subject involves practical work, a candidate must obtain 33% marks in theory and 33% marks in practical separately, in addition to 33% marks in aggregate in order to qualify in that subject. It is submitted that the break up of the marks of the petitioner clearly show that the petitioner has scored very less marks in theory.

8. Learned counsel for the respondent no. 1 has also handed over the marksheet of the petitioner student for Class XI in order to contend that the performance of the petitioner student has been poor consistently in Class XI since term I. It is submitted that the parents of the petitioner child were also called and advised in this regard. However, the petitioner was not able to improve his scores and has scored very low marks.

9. This Court has perused the marksheet as handed over by the learned counsel for respondent no. 1. It is seen that though the petitioner has scored 42.2% overall, the petitioner has scored less marks than the pass percentage in theory.

10. Since the Rules of the CBSE do not allow for conduct of re-examination of the final exam of Class XI, and also considering the

fact that the academic performance of the petitioner student has been poor throughout the year, no merit is found in the present writ petition.

11. The petitioner is advised to repeat the Class XI as the petitioner already stands detained by the respondent no. 1 school in Class XI.

12. At this stage, learned counsel appearing for the petitioner submits that the petitioner may be allowed to take Transfer Certificate from the respondent no. 1 school, so that the petitioner can take admission in Class XI in some other school.

13. Liberty is granted to the petitioner to apply for appropriate Transfer Certificate from the respondent no. 1 school.

14. With the aforesaid directions, the present writ petition is dismissed.

MINI PUSHKARNA, J

APRIL 11th, 2023

c

नित्यमेव जयते