

19
09.07.2024
Ct. No. 18
adeb

W.P.A. 17157 of 2024

Divyajyoti Sarangi

Vs.

Central Board of Secondary Education & Ors.

Mr. Srikanta Dutta
Mr. Akshya Kumar Sarangi
...for the Petitioner

Mr. U.S. Menon
Mr. Abhirup Chakraborty
...for the CBSE

Affidavit of service filed on behalf of the petitioner is taken on record.

The writ petition is heard in presence of the learned advocates representing the petitioner and Central Board of Secondary Education.

Learned advocate for the petitioner submits that the petitioner is an examinee of Senior School Certificate Examination 2024. According to the petitioner the statement of marks contained in page 9 of the writ petition is correct and the statement of marks is not tallying with the mark sheet and certificate which was supplied to the petitioner by the school authority of DPS (Joka) Kolkata. A case has been made out in this writ petition that wrongly marks of the petitioner in the aforesaid examination has been reduced while issuing mark sheet by the CBSE authority.

Learned advocate representing CBSE submits that the document which is annexed at page 9 of the writ petition does not depict correct statement of marks and on behalf of CBSE this document is disputed. It is also submitted that from where petitioner has obtained this document is not disclosed in the writ petition. It is also submitted on behalf of CBSE that the statement of marks as contained in the document at page 10 is the correct one and this was supplied by the CBSE containing signature of the Controller of Examinations to the school authorities of DPS (Joka) Kolkata and the said school authority in its turn has supplied the mark sheet to the petitioner. According to the CBSE no case has been made out apart from the document which is at page 9 to question the statement of marks which have been awarded to the petitioner. In addition thereto copy of the e-mail letter dated 8th July, 2024 issued by the Principal, DPS (Joka), Kolkata, Gazipur is placed before this Court and the same is taken on record. From the said e-mail letter is also transpires that the school authority has confirmed the statement of marks which have been awarded to the petitioner. It is also submitted that if from the official website of CBSE mark sheet of the petitioner is downloaded then identical marks would be reflected from the document to be downloaded from the website of CBSE. A copy of such downloaded mark sheet is also

placed before this Court and the same is taken on record.

Having considered the submissions made on behalf of the parties and taking note of the relevant materials available on record it transpires that only one document which is at page 9 of the writ petition based on which case has been made out that wrongly marks of the petitioner in Senior School Certificate Examination, 2024 have been lowered. Question arises for consideration whether this document at page 9 is genuine or not. In pursuit of finding an answer to that on perusal it appears that the name of the examination has been wrongly stated in the said document at page 9 wherein the examination has been described as Senior School Certificate Examination (Class XII) Results 2024. However, from the document at page 10 which has been supplied by the school authority to the petitioner on getting the same from CBSE, it appears that the name of the examination is Senior School Certificate Examination, 2024. Therefore, the nomenclature of the examination which has been depicted in the document at page 9 appears to be incorrect. Apart from this aspect on behalf of the petitioner nothing has been shown in order to satisfy conscience of this Court regarding origin of this document since the digital platform from which such document has been downloaded is not reflected from page 9 of the writ petition.

This Court cannot shut its eyes to the fact that in such type of cases normally the school where petitioner studied is made party. But in the present case the school authority of DPS (Joka) Kolkata has not been arrayed as party respondent. An e-mail letter issued by the Principal of the said school dated 8th July, 2024 is placed before this Court and on perusal of the said document it appears that the school authority has certified that the total marks for each subject on the printed Mark Sheet cum Certificate was found to be the same as mentioned on the Roll No Wise Gazette.

In view of aforesaid certificate issued by the school authority and since the origin of the document at page 9 of the writ petition cannot be traced, the writ petition stands dismissed. Since the petitioner is a student who has passed Class-XII final examination this Court is not imposing cost upon the petitioner for enclosing a document which is not genuine, in support of her case.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)