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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.1735 of 2024

B.M.Dharaneesh

... petitioner

-Vs-

1. The Controller of Examination,
Central Board of Secondary Education,
Shikshakendra No.2,
Community Centre,
Preet Vihar, New Delhi.

2. The Principal,
Kothagiri Public School,
Kothagiri, Nilgiris.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the first respondent to rectify the marks in the mark sheet with respect of Physics by considering the recommendation dated 05.12.2023 of the second respondent.

For petitioner : Mr.B.Kumarasamy

For Respondents : No appearance

ORDER

This petition has been filed seeking a direction to the first respondent to rectify the marks in the mark sheet with respect of Physics by considering the recommendation dated 05.12.2023 of the second respondent.



2. It is the case of the petitioner that the petitioner appeared for International General Certificate of Secondary Education through Nizams British International School, Ooty and secured pass marks in all the subjects and he joined +1 course in the second respondent school. Due to pandemic situation, the first respondent had taken a policy decision as per the direction given by the Hon'ble Apex Court, cancelled the examination to the Senior Secondary Certificate Examination for 2021. Accordingly, the first respondent issued notification on 01.06.2021. The second respondent as per the direction of the first respondent constituted a result committee and accordingly, the committee assess the marks to each and every student. the first respondent has declared the result for senior school certificate examination result 2021 in the month of July 2021. Accordingly the petitioner's mark has been uploaded in the website. After seeing the marks statement, Maths and physics marks have not been changed. In this regard, the petitioner's father sent a representation on 11.08.2021 to the second respondent to rectify the dispute in commutation of the marks and the same has not been considered, for which, the petitioner made a writ petition before this Court to rectify the marks in respect of two subjects viz., Maths and physics. After filing the writ petition, the first respondent corrected the maths marks in the marks statement and awarded two marks by ignoring the statement



of marks given by the second respondent. In addition to that the first respondent has retained the physics as it is, in spite of the recommendation given by the second respondent. On 05.12.2023, the second respondent has recommended the first respondent for correction of the mark sheet on the ground that the second respondent has nothing to do with the board exam mark sheet. Though the first respondent received the recommendation of the second respondent in respect of correction of the marks in the mark sheet, but so far the first respondent has not corrected the same. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that during pendency of this writ petition, the second respondent School vide its letter dated 05.12.2023, forwarded the complaint filed by the petitioner father to the first respondent. However, the first respondent has not taken any steps. Therefore, the learned counsel prays that this Court may issue a direction to the first respondent to issue corrected mark sheet pursuant to the recommendation made by the second respondent dated 05.12.2023 within the reasonable time frame as fixed by this Court.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. Considering the fact that inadvertently, the second respondent has awarded a lesser marks contrary to the decision rendered by the committee which was formed by the first respondent. The said mistake has been subsequently rectified themselves and awarded marks vide its order dated 05.12.2023 and therefore, this Court directs the first respondent to carry out revised marks, which was awarded by the second and to issue a fresh corrected mark sheet to the petitioner within a period of one week from the date of receipt of a copy of this order.

6. From the above, this Court directs the first respondent to issue a fresh corrected mark sheet to the petitioner as per the marks awarded by the second respondent within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ petition is allowed. No costs.

02.09.2024

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To

1. The Controller of Examination,



Central Board of Secondary Education,
Shikshakendra No.2,
Community Centre,
Preet Vihar, New Delhi.

2. The Principal,
Kothagiri Public School,
Kothagiri, Nilgiris.



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M.DHANDAPANI, J.

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