

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(126)

CWP-336-2024
Date of Decision: - 11.01.2024

Vansh Sangwan

....Petitioner

Vs.

Central Board of School Education and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sumit Sangwan, Advocate, for the petitioner.

Mr. Kannan Malik, Advocate, for the respondents.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 02.01.2024 (Annexure P-9) passed by the respondents, vide which the request of the petitioner for permitting him to apply for Improvement Examination 2023-2024 of Class 10+2 has been rejected.

2. A perusal of order dated 02.01.2024 (Annexure P-9) would show that the request made by the petitioner for permitting him to apply for Improvement Examination 2023-2024 of Class 10+2 as a private candidate has been rejected by the competent officer since the petitioner did not fill up the form within the stipulated time or even up to the extended time, which was from 19.10.2023 to 25.10.2023.

3. On the last date of hearing on 10.01.2024, learned counsel for the petitioner had submitted that the petitioner is ready to pay late fees in

case he is permitted to fill up the form after the last date. On the basis of the said submissions, this Court had directed the respondents to get instructions in the matter.

4. Learned counsel appearing for the respondents has submitted that Central Board of Secondary Education had issued a public notice dated 05.09.2023 for submission of Examination Forms by Private Students for Senior Secondary (Class-XII) Examinations-2024. It is submitted that the public notice issued by the CBSE clearly mentioned the last dates and it is also specifically mentioned the extended last date till which time the candidates who are desirous for sitting in the exams could submit their applications online by depositing late fee. It is stated that once the extended last date has already passed, then, it is not possible for the respondent-Board to entertain any further applications as the acceptance of one application, would open Pandora's box, inasmuch as, several other applications which have been made after the extended date are pending and the same would lead to multiplicity of litigation. It is further submitted that since the centers for the examinations have already been finalized and even the sitting arrangements have already been made, thus, in case any new application/applications are entertained, then, the same would result in carrying out the entire exercise again, which is neither feasible nor practicable. It is submitted that a student, who is desirous for giving the improvement exams, is required to be vigilant of his rights and duties and once a public notice has been issued and specific dates up to which the application can be accepted have been mentioned, then, in the event of the said application having not been submitted within the aforesaid time, the student would have no right to seek permission for sitting in the exams.

5. This Court has heard learned counsel for the parties and has gone through the paper-book.

6. Learned counsel for the petitioner has not been able to dispute the fact that the last date for submitting the forms for sitting in the 12th Class improvement exams has already passed in the month of October, 2023 itself. Even the extended date with late fee had lapsed in the month of October, 2023. The petitioner is not able to rebut the stand taken on behalf of the respondents-Board and this Court is of the view that granting indulgence to one such case would lead to multiplicity of litigation and also a situation where the entire process of holding examinations which would include the sitting arrangements etc. would have to be redone and the same would cause prejudice to the students who have already applied within time. Once public notices are given, then, it is the duty of the students to be vigilant, more so, when the petitioner wanted to appear in the improvement examinations. Moreover, the petitioner has not been able to show any legal right in his favour or any legal duty on the part of respondent authorities to accept the application of the petitioner despite the last extended date having been passed.

7. Keeping in view the above-said facts and circumstances, the present writ petition is meritless and deserves to be dismissed and accordingly, the same is dismissed.

January 11, 2024.
naresh.k

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No