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

% **Date of Decision: 12.07.2024**

+ **W.P.(C) 9505/2024**

C.P. ARYA PUBLIC JR. HIGH SCHOOLPetitioner

Through: Mr. Rakesh Kumar Khanna,
Senior Advocate with Mr.
Pramod Kumar and Mr. Anurag
Kasana, Advocates

versus

CENTRAL BOARD OF SECONDARY
EDUCATIONRespondent

Through: Mr. Sanjay Khanna, Standing
Counsel for CBSE with Ms.
Pragya Bhushan, Mr. Karandeep
Singh and Mr. Tarandeep Singh,
Advocates

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. An unfortunate situation has arisen in the present case.
2. The Central Board of Secondary Education ('**CBSE**') had declared the results for Class 10th and Class 12th for the academic session 2023-2024, on 13.05.2024. Within the petitioner-school, 07 students from Class 10th and 09 students from Class 12th were identified as having compartments in various subjects. Subsequently, CBSE had invited applications from these students to sit for their respective compartment examinations. Additionally, applications were



also invited from students who wished to reappear in the examinations for the purpose of improvement. These applications were to be submitted online *via* the CBSE's portal, which was made accessible on 31.05.2024, pursuant to a circular issued on 30.05.2024. The stipulated deadline for uploading the application forms was 15.06.2024, with a provision for late submission until 17.06. 2024, upon payment of a late fee.

3. The petitioner-school has approached this Court, by way of present writ petition, praying that the respondent i.e. CBSE be directed to allow 16 students of Class 10th and 12th of petitioner's school to appear in their compartment/improvement examination, which is scheduled to be held on 15.07.2024, and for this, the CBSE be directed to re-open their online portal for submission of relevant details of these 45 students, since the petitioner-school failed to upload the details of these students on the CBSE's portal within the stipulated time period.

4. Sh. Rakesh Khanna, learned Senior Counsel, appearing on behalf of the petitioner- school, submits that the exam coordinator of the school, who had prepared all the documents and list, was admitted in the hospital from 21.05.2024 for one week and thereafter again was hospitalised on 02.06.2024 for five days and she had rejoined her duties on 19.06.2024. On rejoining, she had found that the application forms with details of students, for appearing in the compartment exams, had not been uploaded on the portal of CBSE. It is submitted that the coordinator had immediately sent an e-mail to the CBSE on **20.06.2024**, requesting for re-opening of the portal for the petitioner-school to submit the necessary details, disclosing the genuine reason for not



uploading the same within time period. It is stated that in response to the e-mail dated 20.06.2024, CBSE *vide* email dated 21.06.2024 had asked the petitioner-school to send the list of candidates with their marksheets for immediate action, which were sent on 21.06.2024 itself. It is stated that petitioner-school continued to request the CBSE for re-opening the online portal, for submission of the documents with details of the students, however, no communication was received from the CBSE.

5. It is contended by learned Senior Counsel that to the shock of the petitioner-school, the CBSE, *vide* e-mail communication dated 10.07.2024, received at 3.00 PM, had informed that the permission cannot be granted at this stage. It is now submitted that the exam for the compartment and improvement for Class 10th and 12th are scheduled for 15.07.2024, and if these 16 students, whose details have already been submitted with the CBSE on 21.06.2024, are not allowed to appear in their respective exams, the same shall adversely affect their careers and they shall have to face consequences for their entire life. Thus, it is argued that due to this lapse on part of the CBSE, in first asking the petitioner-school to send the relevant details and then not submitting any response or communicating the decision for next two weeks, the petitioner-school has been compelled to approach this Court, praying that the present petition be allowed.

6. In these facts and circumstances, issue notice. Sh. Sanjay Khanna, learned Standing Counsel accepts notice on behalf of the respondent.

7. Sh. Sanjay Khanna, on behalf of CBSE, submits that the



knowledge of the date was well known to the petitioner-school on 30.05.2024 and on the same day, a press release was issued by the CBSE and all concerned were informed that compartment/supplementary examination will be conducted from 15.07.2024. He further states that though the last date for submission of details of students on the online portal of CBSE was 15.06.2024 (without payment of late fees) and 17.06.2024 (with payment of late fees), the petitioner-school had failed to do the needful, and had only sent an email on 20.06.2024, requesting for re-opening of the portal. It is further argued that in the email dated 21.06.2024 sent by the CBSE, the petitioner-school was only asked to submit the details for further action, and the same cannot be interpreted in a manner that the CBSE was inclined to allow the request of the petitioner-school. It is further stated that there are more than 3 lakh students who are appearing in these examinations and for whom admit cards have been issued, and *qua* whom examination centres have been allotted and question papers have been printed. Therefore, it is prayed that the present petition be dismissed.

8. This Court has heard submissions on behalf of the petitioner-school as well as the respondent CBSE, and has perused the material placed on record by the either side.

9. In the case at hand, the CBSE had issued a circular dated 30.05.2024, in respect of online submission of list of candidates by schools for classes 10th and 12th for supplementary examination. It was mentioned therein that the process for submission of list of candidates shall start from 31.05.2024, and that the schools will have to use their



Affiliation number as a user ID for logging into the portal for submission of requisite details. It was further clarified in the said notice that only those students whose name is submitted through the online portal shall be allowed to appear for the supplementary examinations, and it will be the responsibility of the schools to submit the details within the stipulated time schedule, since no request for extension shall be entertained. The time limit for submission of details, as set out in the circular, are as under:

FEE AND SCHEDULE FOR LIST OF CANDIDATES FOR CLASSES X & XII SUPPLEMENTARY EXAMINATIONS – 2024					
Fee Slab	THE FEE TO BE REMITTED PER STUDENT IN INR			Schedule for Online submission of LOC	Schedule for Fee payment
	Schools in India	Schools in Nepal	Schools outside India		
Without late fee	Rs.300/- Per subject	Rs.1000/- Per subject	Rs.2000/- Per subject	31.05.2024 (Friday) To 15.06.2024 (Saturday)	Date of finalization of LOC data + 2 days i.e. 17.06.2024 (Monday) (please see illustration)
With Late fee	Last date With Late Fee of Rs.2000/- (in addition to the Fee prescribed)			16.06.2024 (Sunday) To 17.06.2024 (Monday)	Date of finalization of LOC data + 2 days i.e. 19.06.2024 (Wednesday) (please see illustration)

10. The petitioner-school herein, admittedly, had failed to submit the details of its students, on the online portal of CBSE, within the aforementioned time schedule. However, one email dated 20.06.2024 was sent by the petitioner-school to the CBSE, wherein it was requested that the online portal be reopened for submission of necessary details. In response to the said email, on 21.04.2026, the CBSE had asked the petitioner-school to submit the list of candidates to it immediately for further action. The petitioner-school, complying with the same, had sent the relevant details *via* email to the CBSE on the same day.

11. Today, it is the case of petitioner-school that it had waited for more than 15 days, for the reply of CBSE and it was only on



10.07.2024, that it had received an email dated 10.07.2024 informing that permission for submission of details or reopening of portal cannot be granted at this later stage. This is controverted by learned counsel for CBSE that there was no such assurance by the CBSE in the email dated 21.06.2024 that it would allow the request of the petitioner-school.

12. This case, thus, presents lapses on the part of both the petitioner-school and the CBSE. The school missed the initial deadline of 17.06.2024 and subsequently addressed the issue to the CBSE *via* email on 20.06.2024. The CBSE responded on 21.06.2024 indicating that ‘further action’ would be taken, but no further communication was made until 10.07.2024, when the grievance of the school was ultimately rejected.

13. This situation has placed this Court in a challenging position, as the examination is scheduled to be held on 15.07.2024, just two days from now.

14. After giving thoughtful consideration to the contentions raised on behalf of both the parties, this Court is of the view that the Examination in question is an All India Examination, wherein about 3.5 lakhs students are appearing, *qua* whom admit cards have already been issued. This Court further takes note of the fact that the examination centres have already been allotted, and all the logistics of the examination have been attended to.

15. Given that admit cards have already been issued and logistical preparations are in place, it would be impractical to reopen the online portal at this late stage. Therefore, re-opening of the online portal of CBSE, at this stage, will disturb the entire schedule and the examination



which is to be conducted at a large scale, throughout the country, on 15.07.2024. Likewise, any interference and issuance of direction for re-opening of the portal at this stage will also amount to interfering with the policy decisions of CBSE.

16. **Therefore**, at this stage, though considering that it is a very unfortunate situation for the students who are to appear for Class 10th and 12th Supplementary Examination, this Court is not inclined to direct the respondent i.e. CBSE to re-open the portal and allot admit cards to the petitioners to appear for their Class 10th or 12th supplementary examination.

17. **While this order was being dictated**, it was brought to the notice of this Court, at about 5:00 PM, the factum of one order passed today in *W.P.(C) 11491/2024* by the High Court of Rajasthan at Jodhpur.

18. Though an uncertified copy of the order has been placed before this Court, the genuineness of the same is not disputed by the learned counsel who is appearing through video-conferencing on behalf of CBSE, alongwith the worthy Controller of Examinations-CBSE, graciously at the asking of this Court, since this Court is again sitting for hearing at about 07:25 PM, after the aforementioned new development, wherein the respondent herein i.e. CBSE was also a party and a similar issue was in question. This Court, after perusing the aforesaid order, notes that the learned counsel for CBSE was present when the order in question had been passed and similarly placed students therein have been permitted to appear in the supplementary examination to be conducted on 15.07.2024 i.e. the same examination



in question in the present case, conducted by the respondent CBSE. Further, directions have been issued by High Court of Rajasthan at Jodhpur that the admit cards will be issued by the CBSE to the students by tomorrow i.e. 13.07.2024, and that the learned counsel for CBSE shall ensure strict compliance of the said order.

19. **Therefore**, this Court, to ensure that in case similarly placed students are accommodated by CBSE by opening portal for a limited period for accommodating them in compliance of that Court's order or in any other manner, directs that the 16 students of the petitioner-school, *qua* whom the present petition has been filed by the petitioner-school, will also be accommodated in similar fashion and to same extent, as per the convenience of CBSE and in the manner deemed appropriate at its end, as in compliance of the orders of the High Court of Rajasthan.

20. **However**, learned counsel for the respondent submits that the CBSE will be filing an appeal against the order passed by Single-Bench of High Court of Rajasthan before the Hon'ble Division Bench. In these circumstances, the learned counsel for the petitioner-school who is present in Court, undertakes that if the CBSE succeeds before the Hon'ble Division Bench and the direction passed by Single Bench of High Court of Rajasthan in case of *W.P.(C) 11491/2024* is set aside or stayed, the petitioner-school will not object to denial of the opportunity to its students to appear in these examinations, and will not agitate the matter further as this order does not create a right in their favour.

21. It is clarified that this Court was not inclined to grant relief to the petitioner-school, for the reasons as mentioned in para nos. 14 to 16 of



this judgment. However, only to ensure equity and equal treatment for the students, *qua* whom the petitioner-school has approached this Court, by the same respondent CBSE, the later part of the order was passed. The order of the High Court of Rajasthan was passed, as submitted before this Court, late evening, and was placed before this Court while the judgment was being dictated by this Court.

22. Thus, the net result in the present order will be that in case, the CBSE will allow similarly placed students of Rajasthan to appear in the examinations to be held on 15.07.2024, the students studying in the petitioner-school will also be accommodated to the same extent as those petitioners in *W.P.(C) 11491/2024*.

23. It is further clarified that the direction passed by this Court in the present writ petition will be limited to the students studying in the petitioner-school.

24. **While parting with this case**, this Court is constrained to observe that the present case presented before this Court a situation where the future of the students of class 10th and 12th was at stake.

25. This Court recognizes that schools and educational institutions play vital roles in the educational ecosystem. Schools are responsible for adhering to deadlines and ensuring that all necessary documentation and processes are completed in a timely manner, especially when the notifications and the deadlines are clear and in unequivocal terms.

26. To come with an excuse that the concerned teacher was on leave, and therefore, the deadline was missed is a poor excuse and the school, which had the future of the students in their hands, should have been vigilant that if one teacher is on leave, the entire administration does not



stop working.

27. Needless to say, the petitioner-school has been very negligent in the present case. However, this Court cannot allow the students to suffer loss of an academic year.

28. The Court notes that the students, who are already under pressure of their compartment/supplementary board examination of class 10th and 12th and anxiety of their future overpowers them frequently, should not be made to suffer for no fault of theirs by losing an academic year and opting for higher studies, for which many must already be taking coaching classes or studying for.

29. This Court at this stage is further constrained to remind the schools, who are at fault of not uploading the relevant and requisite details within the stipulated time period that their primary objective is to serve the students' interests. Such lapses undermine the very purpose for which these institutions were established.

30. This Court is of the opinion that the present case had to be filed due to sheer negligence of the petitioner-school itself which had put the future of their own students at stake, with uncertainty looming large on their future. Therefore, this Court imposes a cost of Rs.50,000/- on the petitioner-school and directs that the same be deposited with Delhi High Court Legal Services Committee within one week.

31. In above terms, the present petition stands disposed of.

32. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 12, 2024/ns