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

+ **W.P.(C) 9822/2024**

P C INSTITUTE

.....Petitioner

Through: **Mr. Rajat Sharma, Advocate.**

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ORS.

.....Respondents

Through: **Mr. Sanjay Khanna, Ms. Pragya Bhushan, Mr. Tarandeep Singh, Mr. Karandeep Singh, Ms. Tavleen Kaur, Advocates for CBSE.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

02.08.2024

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CM APPL. 40325/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present writ petition under Article 226 and 227 of the Constitution of India, has been filed on behalf of the petitioner, praying as follows:

“(a) Issue writ, order or direction in the nature of mandamus for directing the respondent to authorization to submit the forms for the Board's Supplementary Examination for the year 2024 submitted by the petitioner school and to issue admit



card to the student of the petitioner school for examination on 15.07.2024 or onwards or re-schedule/reconducted the said examinations qua the students of the petitioner school; and/ or

(b) Pass such further or other order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case and in the interest of natural justice;"

4. Learned counsel appearing on behalf of the petitioner states that the petitioner School is affiliated with Central Board of Secondary Education ('CBSE') and is running upto Class XII class, and follows all the norms and regulations recommended by the CBSE. It is stated that in session year 2023-24, the Board Examinations were conducted for Class X and XII. Thereafter, the results were declared accordingly, but 33 students (12 students from Class X and 21 students from Class XII of the petitioner School) had got compartment in one or two subjects. It is further submitted that their forms and fees for their respective subjects were to be filled from 31.05.2024 to 15.06.2024, through online mode, and two days' extension was also given, subject to payment of late fees, as per schedule given by CBSE on its portal. It is also stated that due to two days being holidays, on account of Sunday and *Eid*, unfortunately, the petitioner School could not submit supplementary examination forms, and also could not deposit the fees, as per the schedule, and on the next day, i.e. 18.06.2024, the portal got closed.

5. Learned counsel for the petitioner argues that the School had sent a representation dated 18.06.2024, to CBSE for authorization to submit the forms for the Board's Supplementary Examination for the year 2024, through e-mail and speed post as well. It is stated that CBSE had asked for



some documents from time to time, and the petitioner School had answered and submitted the documents accordingly. It is argued that the supplementary examination was scheduled to be conducted from 15.07.2024, and the petitioner School could not get any positive response from the CBSE. It is also submitted that on 10.07.2024, at about 02:58 PM, respondent no. 3 had sent an e-mail to the petitioner *vide* which the representation dated 18.06.2024, submitted by the petitioner School. It is further submitted that on 11.07.2024, the petitioner School had approached the respondent no. 1 and had also sent a mail to respondent no. 2, but needful could not be done. Hence, to seek relief, the present writ petition has been filed.

6. Conversely, learned counsel appearing on behalf of the respondent CBSE draws this Court's attention to Annexure P-4, which is an e-mail in reference to the correspondence seeking authorization to submit the form for the Board's Supplementary Examinations for the year 2024, wherein the petitioner School was informed that the matter had been reviewed by the Competent Authority and in view of the same, permission could not be granted and the students were not allowed to fill the forms. It is argued that the examinations in question have already been conducted now, and no relief can be granted to the petitioner School, at this stage.

7. This Court has heard learned counsel appearing on behalf of both the parties, and has perused the material placed on record.

8. At the outset, this Court notes that the instant petition has become infructuous, inasmuch as the relief sought by the petitioner School i.e. permission to submit forms in respect of examinations scheduled on 15.07.2024, cannot be granted at this stage, since the examinations have



already been conducted and concluded.

9. Therefore, the present petition has necessarily to fail, and the same is accordingly dismissed, having become infructuous.

10. The order be uploaded on the website forthwith.

AUGUST 2, 2024/at

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any