



2024:DHC:7350



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

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Reserved on: 17.09.2024
Pronounced on: 23.09.2024

+ **W.P.(C) 12078/2024**

SAYAN SASMAL MINOR THROUGH NATURAL
GUARDIAN MS SAMPA SASMAL MOTHERPetitioner

Through: Mr. Hemant Baisla, Advocate.

versus

DIRECTOR OF EDUCATION & ANR.Respondents

Through: Mr. Karn Bhardwaj (ASC,
GNCTD) with Mr. Shubham
Singh, Mr. Rajat Gaba and Mr.
Saurabh Dahiya, Advocates
for R-1/DoE.
Mr. Yogesh Kumar, Advocate
for R-2 school.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The present writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner, seeking the following prayers:

“i. Issue an appropriate writ, order, or direction directing Respondent No. 1 to conduct a thorough inquiry into the conduct of Respondent No. 2



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School, particularly regarding the misplacement of the Petitioner's answer sheets and the subsequent re-evaluation of the Petitioner's answer sheets in a fair and unbiased manner;

ii. Issue an appropriate writ, order, or direction directing Respondent No. 1 to either oversee the rechecking of the Petitioner's answer sheets personally or to appoint an independent examiner who is not affiliated with Respondent No. 2 School to carry out this task, ensuring impartiality.

iii. Issue an appropriate writ, order, or direction directing Respondent No. 2 School to supply copies of all answer sheets written by the Petitioner during the academic session 2023-24.

iv. Issue appropriate writ/order/directions in the nature of mandamus commanding the Respondents to pay the costs of this Petition to the Petitioner.”

2. The case set out by the petitioner, a student of Respondent No. 2 i.e. Kulachi Hansraj Model School [*the School*], is that he had consistently performed well academically throughout his years at the School. In the academic session 2023-24, he had appeared for his 8th standard final exams, which had concluded on 04.03.2024. However, on 20.03.2024, the petitioner's parents had been informed by his teacher, Mr. Kamlesh Dahiya, that the petitioner's answer sheets had been misplaced, and it was requested that the petitioner reappear for two of the exams. Despite their shock, the parents of the petitioner had agreed, and the examinations for Maths and Science had been re-conducted on 27.03.2024 and 02.04.2024, respectively. The School had declared the results on 31.03.2024, but the petitioner's result had been withheld without explanation. Multiple visits to the School by the petitioner's parents yielded no resolution, as the School continued



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to offer vague assurances. The petitioner's parents had eventually called the police, leading to the release of the result on 27.07.2024 and 29.07.2024. However, the petitioner, unexpectedly, had received very low marks, not just for the final examination but also for the first term. The petitioner was thus instructed to repeat the 8th standard. Formal complaints were made to Respondent No. 1 i.e. Directorate of Education ['DoE'] on 05.08.2024 and 24.08.2024, seeking an inquiry and re-evaluation of the answer sheets, however, no action was taken. These events and circumstances compelled the petitioner to approach this Court.

3. Learned counsel appearing on behalf of the petitioner contends that the mishandling of the petitioner's answer sheets, coupled with the school's failure to provide timely and accurate results, constitutes an arbitrary and unjust act. It is argued that despite the petitioner's proven academic record, the requirement to reappear for exams and the subsequent decision to make him repeat the 8th standard is without any rational basis. It is submitted that the actions of the respondents have caused undue distress to the petitioner, both academically and emotionally. Learned counsel further submits that the petitioner's parents had lodged multiple complaints with Respondent No. 1/DoE, requesting an impartial re-checking of the answer sheets, but no action was taken, which reflects a lack of transparency and accountability. It is thus contended that the petitioner, who has been stigmatized as a failure, has suffered significant emotional trauma due to the arbitrary actions of the respondents.



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4. The aforesaid submissions, made on behalf of the petitioner, have been refuted by the learned counsel for the Respondent No. 1/DoE, who has handed over to the Court, a copy of the enquiry report conducted by DoE pursuant to receipt of a complaint given by the parents of the petitioner. The relevant portion of the enquiry report is extracted hereunder:

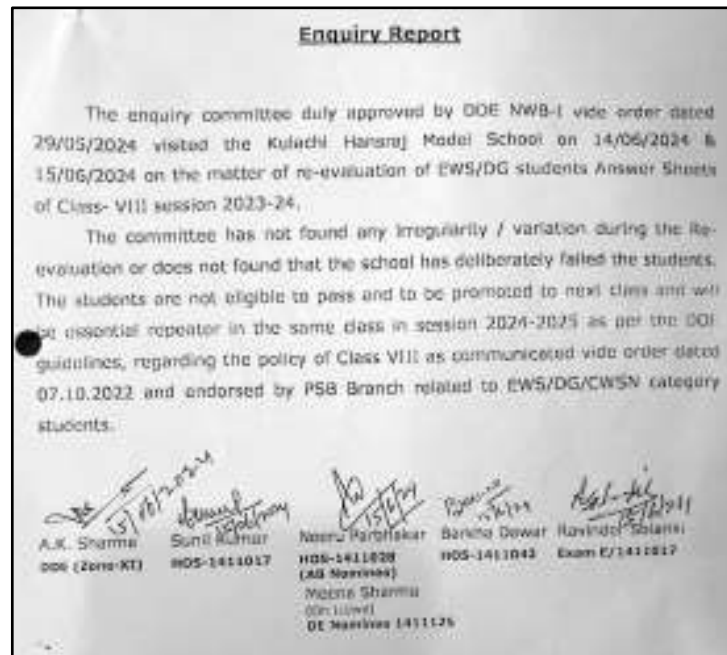
Conclusion :-
In view of the discussion above, the committee has not found any irregularity / variation during the Re-evaluation or does not found that the school has deliberately failed the students. The students are not eligible to pass and to be promoted to next class and will be essential repeater in the same class in session 2024-2025 as per the DOE guidelines, regarding the policy of Class VIII as communicated vide order dated 07.10.2022 and endorsed by PSB Branch related to FWS/DG/CWSN category students.

Submitted please.

[Signatures]
A.K. Sharma Sunil Kumar Neeru Perbhakar Barkha Dawar Ravinder Solanki
DDE (Zone-XI) HOS-1411017 HOS-1411028 HOS-1411042 Exam E/1411017
(AB Nominee)
Meena Sharma
(On Leave)
DE Nominee 1411125



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5. In this Court's opinion, the above-extracted report submitted by Respondent No. 1 reveals that an Expert Committee, including the Deputy Director of Education, had conducted a thorough investigation into the allegations leveled against the School. The committee, however, found no irregularity in the re-evaluation of the petitioner's answer sheets and concluded that the petitioner was not eligible for promotion to the next class based on his academic performance. No deliberate misconduct or fault could be attributed to the School authorities in handling the examination process. Therefore, the Court finds no reason to doubt the findings of the independent committee, which are based on a careful examination of the facts.



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6. The petitioner's previous academic record, even if commendable, cannot in itself be a basis to assume that the petitioner could not have failed the exams in question. It is not the case of the petitioner that the answer sheets evaluated are not his. It is undisputed that the answer sheets were written by the petitioner and evaluated accordingly. The independent inquiry by the committee has also confirmed that there were no irregularities committed by the School in relation to evaluation/re-evaluation of answer sheets. Thus, the petitioner's claim that he had been unfairly failed in the exams by the School is unsupported by any evidence of wrongdoing. Given these facts, the Court sees no merit in the petitioner's request for further intervention and his prayer, thus, cannot be acceded to.
7. Resultantly, the present writ petition is dismissed, alongwith pending application if any.
8. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 23, 2024/at