

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8384 of 2025**

Vijay Kumar Son of Late Siya Saran singh Resident of Village Pyarepur, P.O. Pawapuri, P.S. Rajgir, District - Nalanda, Bihar, father and natural guardian of Vinayak Kumar Piyush (Minor)

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Ministry of Defence (Sainik School Society), South Block, New Delhi-110011.
2. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Chairman, Central Board of Secondary education
4. The Joint Secretary to Sainik School, Nalanda
5. The Sainik School Society, Ministry of defence Govt. Of India
6. The Local Board of Administration to Sainik School, Nalanda
7. The Principal, Sainik School Nalanda, Vill- Nanand, P.O.-Pawapuri, District- Nalanda, Bihar - 803115.
8. The Vice-Principal, Sainik School Nalanda, Bihar

... .. Respondent/s

**Appearance :**

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|----------------------|---|--------------------------------------------------|
| For the Petitioner/s | : | Mr. Vasant Vikas, Adv.<br>Mr. Pranoy Kumar, Adv. |
| For the UOI          | : | Mr. VinayKrishna Tripathy, Adv                   |
| For the State        | : | Ms. Binita Singh, SC 28                          |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 04-09-2025**

Heard the parties.

2. The writ petition has been filed through the natural guardian, on being aggrieved with the suspension of his son with immediate effect from February, 2025 till rest of the academic sessions of Class XII, Sainik School, Nalanda, Bihar.

3. The petitioner while assailing the suspension order has made various submissions, *inter alia*, that there is no



complaint from any corner or by any students with regard to his misconduct leading to issuance of the suspension order.

4. A counter affidavit has been filed on behalf of respondent nos. 1, 5, 6, 7 and 8. Mr. Alok Kumar, learned Advocate representing the afore noted respondents has submitted at the Bar that the Sainik School has taken benevolent approach considering the future prospect of the minor son of the petitioner and on 03.07.2025, the petitioner has been called with a considerate approach. He has been given option that cadet can appear in all sort of exams. Information along with date sheet and syllabus for Periodic Test-I & Periodic Test -II has been shared through official mail of the petitioner for appearing in Periodic Test-I exam scheduled from 5<sup>th</sup> July to 18<sup>th</sup> July, 25 as a day scholar. However, the disciplinary committee and the school authority decided that cadet would not be allowed to stay in hostel as any prolonged stay even in day time is detrimental to safety of the other students.

5. Learned Advocate for the petitioner at this stage interjected and submitted that the ward of the petitioner has been allowed to appear in all sort of examinations but under the Examination Bye laws issued by the Central Board of Secondary Education (hereinafter referred to as the 'CBSE');



there is clear stipulation that the students must complete 75% of attendance and in absence thereof, he may be disallowed to appear in the examination. On account of his suspension, the attendance which has been fallen short, might be caused prejudice to the entitlement of the petitioner's son in appearing in the examination.

6. Mr. Vinay Krishna Tripathy, learned Advocate for the CBSE reiterated and reinforced the Bye-laws of the CBSE that a candidate must be required to complete 75% of attendance before appearing in the Senior Secondary Examination.

7. Having considered the submissions set forth by the learned Advocates for the respective parties, this Court thinks it apt and proper to direct the concerned school to allow the ward of the petitioner to attend the classes and in case the attendance of the petitioner fell short for appearing in the examination on account of suspension, the same shall be considered sympathetically by the CBSE as well as the school and would not cause any impediment in appearing in the Senior Secondary Examination.

8. It is made clear that this Court has not made any interference in the decision of the school to disallow the ward of the petitioner not to accommodate in the hostel.



9. With the aforesaid direction, the present writ  
petition stands disposed of.

**(Harish Kumar, J)**

Anjani/-

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