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20.01.2025
Ct. No. 18
(ARPAN)

W.P.A. 423 of 2025

**Samiran Saha
Vs.
Union of India & Ors.**

Ms. Chaitali Mukhopadhyay
Ms. Dibyanjona Das

...for the Petitioner

Ms. Rashmi Bothra
Mr. Partha Sarathi Mondal

...for the Union of India

Mr. U.S. Menon
Mr. Abhirup Chakraborty

...for C.B.S.E

Mr. Priyam Dey
Mr. Sutosom Bhattacharya

...for School Authority

Matter is heard in presence of the learned
advocates representing the petitioner and respondents.

Petitioner by presenting this writ petition has
prayed for help of scribe which would facilitate his
daughter in writing answers in the ensuing examination,
that is All India Secondary School Examination (AISSE),
2024-25 which is conducted by the Central Board of
Secondary Education (CBSE). In support of such
contention, reliance is placed on a summary report dated
28th March, 2023 prepared by Ali Yavar Jung National
Institute of Speech and Hearing Disabilities (Divyangjan)
wherein it is certified that daughter of the petitioner is
suffering from hearing impairment and the extent of
disability is 57%. It is submitted that while writing
answers if help of scribe is not permitted by the CBSE
authority, student shall face difficulty requiring
necessary direction upon CBSE authorities to grant
permission accordingly.

Learned advocate representing CBSE authority on instruction submitted that in terms of circular of CBSE dated 12th April, 2019, since the student is suffering from hearing impairment, she shall be provided compensatory time of 60 minutes.

While deciding the issue whether the student requires compensatory time of 60 minutes or assistance of scribe, letter of the school authority dated 15th January, 2025 plays significant role which is placed before this court and taken on record. From the said letter it appears that since the student is suffering from hearing impairment, in the internal examinations of the school, the student was provided compensatory time not the assistance of scribe. Therefore, it is not a case where student though was provided assistance of scribe in internal examinations of the school will not get similar assistance in the ensuing AISSE 2024-25 examination by changing the nature of assistance of scribe to compensatory time. The student participated in the examinations conducted by the school authority on being satisfied with the assistance provided to her to the extent of compensatory time not presence of scribe. Therefore, it further appears that the student is also accustomed to the system of writing answers provided compensatory time is given to her.

In view of aforesaid situation, this court directs the concerned authority of CBSE to provide the student compensatory time strictly in terms of circular dated 12th April, 2019 in the ensuing AISSE 2024-25 examination.

With the above direction, writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)