



LPA-284-2022 (O&M) & connected cases 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**(227) LPA-284-2022 (O&M)
Date of Decision : October 28, 2025**

Central Board of Secondary Education .. Appellant

Versus

Jyoti and others .. Respondents

(2) LPA-285-2022 (O&M)

Central Board of Secondary Education .. Appellant

Versus

Shashikant and others .. Respondents

**(3) CM-2880-LPA-2021;
CM-2881-LPA-2021 and
CM-291-LPA-2022 in/and
LPA-1231-2021**

Central Board of Secondary Education and another .. Appellants

Versus

Rohit Kapoor and another .. Respondents

(4) LPA-572-2022 (O&M)

Central Board of Secondary Education .. Appellant

Versus

Ekamjot Singh and another .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

**Present: Mr. Beant Singh Seemar, Advocate, for the appellant-CBSE
in LPA-284 and 285 of 2022.**

**Mr. Kannan Malik, Advocate, for appellant-CBSE
in LPA-1231-2021 and LPA-572-2022.**

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Mr. Aman Mittal, Deputy Advocate General, Haryana,
for respondent No.3 in LPA-285-2022 and
for respondent No.5 in LPA-284-2022.

Mr. Prashant Singh Chauhan, Advocate, for respondent No.2
in LPA-285-2022.

HARSIMRAN SINGH SETHI J. (ORAL)**CM-2880-LPA-2021 in LPA-1231-2021**

Present application has been filed seeking condonation of delay
of 05 days in filing the appeal.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, the application is allowed. Delay of 05
days in filing the appeal is condoned.

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1. By this common order, four Letters Patent Appeals, the details
of which have been given in the heading, are being disposed of as all these
appeals involve the same question of law on similar facts.
2. In the present bunch of appeals, the question of law raised by
the appellant is that whether, the candidates who have passed the
compartment examination of 10th class on second attempt while undergoing
the studies of 11th class, said candidates should have been debarred from
appearing in the 11th class examination and whether respondents-students
should be made to take fresh admission in 11th class, which contention of
the appellant has not been accepted by the learned Single Judge vide
impugned order dated 22.02.2022.
3. In order to appreciate the controversy raised, certain facts needs
to be mentioned.

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4. The respondents-students in the present bunch of appeals appeared in their class 10th examination in March 2019. In class, 10th result so declared, the respondents-students were having re-appears. As per the rules governing the admission to class 11th, the students having re-appear in class 10th, are entitled for the grant of admission in Class 11th but in order to continue the studies in class 11th, such students having re-appears in class 10th, re-appears in their first attempt.

5. In the present case, the respondents-students could not clear their 10th class re-appear in the first time but they were allowed to continue in class 11th, respondents-students appeared in second attempt to class 10th re-appear along with their final examination of class 11th and were able to clear not only class 10th re-appear but also the class 11th examination.

6. Thereafter, the respondents-students were granted admission by the school concerned in class 12th, and they studied in class 12th and applied for appearing in class 12th examination for which, CBSE also issued them roll numbers. The respondents-students appeared in class 12th examination but at the time of declaration of class 12th result, the CBSE took an objection that as the respondents-students could not clear class 10th re-appear in the first attempt, they could not have been allowed to carry on their studies in class 11th, hence appearing of respondent-students in class 11th and thereafter promotion to class 12th, was incorrect and therefore, their class 12th result cannot be declared.

7. As the result of 12th class was not declared, the students filed the present petitions which have been allowed by the learned Single Judge

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keeping in view the fact that once the respondents-students have already studied in class 11th and 12th and appeared in the examination of class 11th and 12th and had cleared the same, their career cannot be destroyed merely on the ground that the school did not stop the studies of the students midway while studying in the 11th class as they had failed to pass the compartment examination of 10th class in the first available chance.

8. The appeals have been preferred challenging the said view of the learned Single Judge contending that once the candidate was not eligible to continue the studies in 11th class upon non-clearing of re-appear of class 10th in the first attempt, allowing the respondents-students to continue their studies in class 11th by the school concerned and subsequent, clearing of the class 11th examination will not confer a right to claim the declaration of 12th class result and the judgment of the learned Single Judge allowing the benefit to the students is contrary to the rules governing the said process.

9. We have heard learned counsel for the parties and have gone through the record with their able assistance.

10. Though, there is no dispute qua the rules governing the issue that in case a candidate has re-appear in the 10th class, he/she is entitled for admission to the 11th class but the such candidates have to clear the re-appear of 10th class examination in the first given chance so as to continue studying in 11th class but once, the respondents-students were allowed to continue their studies in class 11th despite not clearing their re-appear of the 10th class examination in the first available chance and they were allowed to appear in class 11th examination along with second chance available to them to clear the reappear of 10th class examination and respondents-students

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have cleared both the examination and were further granted admission in 12th class of which studies were also undertaken by them raising this objection after they had appeared in the 12th examination, is certainly going to cause prejudice to the student concerned so as to waste more than two years of their precious life. Either the school or the CBSE should have been vigilant enough to stop respondents-students from continuing the studies in 11th class immediately in case they had not cleared the 10th class re-appear in the first available chance. Having allowed the respondent-students to complete the studies of class 11th and respondent-students having cleared all the examination of class 10th and 11th and have already appeared in class 12th examination as well upto the date when the objection was taken by the CBSE. Now putting them back in 11th class on the asking of the appellant will cause a great hardship to the students who are building their career for future employment and success in life.

11. Further, on being asked as to whether, any action was taken by the CBSE against the school concerned which allowed the respondents-students to continue their studies in class 11th after they failed to clear the re-appear examination of class 10th in their first attempt, no such action taken has been brought to the notice of this Court though, it is mentioned that the show cause notice issued to the school is still pending. In case, the show cause notice is pending for the last three years against the school and no action has been taken, the student's career cannot be put to prejudice on the asking of the appellant so as to ask the respondent-students to get admission in the year 2025 in class 11th again when upto this stage they have actually might have passed even the graduation level as of now on the basis of the studies already undertaken.

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12. Keeping in view the said peculiar facts, even if the respondent-student should have been stopped to continue the studies in 11th class as per rules but at this stage, once the respondent-students have already cleared all the examinations of class 10th, 11th and 12th and must have completed their graduation also, a lenient view needs to be taken as facts and circumstances cannot be ignored so as to cause a permanent scar on the life of the students who are yet to start their life on the basis of the education undertaken.

13. Learned counsel for the appellant-CBSE submits that the admission was granted to the students on the basis of some false information and therefore, such students should not be taken care of by the Court and rather strict view should be taken so that no false statements are being given by the students to secure admission.

14. Though, the same is correct but when applied in the present case, learned counsel for the appellant conceded that a student who has re-appear in the 10th class examination is entitled for admission in 11th class provisionally.

15. Once, respondent-students were entitled for admission in the 11th class, which benefit was also extended to the respondent-students herein, merely stating that they had passed the 10th class examination would not make much difference as under the rules governing the grant of admission in 11th class, a candidate having re-appear in 10th class is entitled for admission in the 11th class, which benefit was given to the respondent-students in the present case as well. Therefore, the statement given by the students is not such that they were ineligible even at the first instance to get admission in 11th class. Hence, the said argument will not be applicable in

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the facts and circumstances of the present case.

16. Keeping in view the totality of facts and circumstances of the present case, which cannot be ignored, the order passed by the learned Single Judge is upheld.

17. It is made clear that the present order is being passed in the peculiar facts and circumstances of the case so as to overcome the hindrance of the Clause 42 of the CBSE Examination By-laws.

18. The present appeals are disposed of in above terms.

19. Civil miscellaneous application pending if any, also stands disposed of.

20. A photocopy of this order be placed on the file of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

October 28, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No