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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-7554-2024

Date of Decision :27.02.2025

Simran Sharma

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Kumar Makkad, Advocate with
Mr. Shiv Charan Bhola, Advocate for the petitioner.

Mr. Vipul Aggarwal, Senior Panel Counsel
for respondent No.1-UOI.

Mr. Beant Seemar, Advocate for respondents No.2 to 4.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that even though she was selected to represent India in Para Sports World Cup in the discipline of Shooting and she was undergoing a training for the said tournament which training started from 19.02.2024 till 05.03.2024 whereas tournament was to take place starting from 6th to 15th March, 2024, she was not allowed the rescheduling of all the examinations which were held from 19.02.2024 till 15.03.2024.

2. Learned counsel for the petitioner submits that as per instructions which have been issued by the Central Board of Secondary Examination dated 30.10.2023 (Annexure P/2) stipulated that in case, any sports personnel/student is representing India during the period when that

personnel's/student's examinations are to be conducted, the said examinations are required to be rescheduled for that particular candidate's benefit and in the present case, as the petitioner was also undergoing the training which started from 19.02.2004 to 05.03.2024 for participating in Para Sports World Cup and thereafter participated in the said tournament from 6th to 15th March, 2024, the examination which the petitioner also had to undergo, which were held during the said period of training should have been rescheduled for the petitioner.

3. Learned counsel for the petitioner further submits that the examinations which were to be held during the continuation of the tournament, which started from 6th March to 15th March have been rescheduled but the examinations which were held during the period when the petitioner was undergoing the necessary training so as to participate in the tournament has not been rescheduled so that the petitioner can like other students avail the benefit of rescheduling of examinations and denial of the same is causing prejudice to the petitioner. Learned counsel for the petitioner further submits that the examination which were held between 19.02.2004 till 05.03.2024 and could not be undertaken by the petitioner due to the fact that she was undergoing the training for the tournament, the petitioner has appeared for the said examinations on a subsequent date and has already cleared all the required 06 examinations but mark sheet for the same is not being given to the petitioner by the respondents and that too without any valid justification.

4. Upon notice of motion, the respondents have appeared. Learned counsel for respondents No.2 to 4 submits that as per the Policy dated

30.10.2023 (Annexure P/2) only the examinations which are scheduled during the tournament to be rescheduled and no benefit of rescheduling of the examination which are conducted during the training period is stipulated in the said policy so as to allow the candidate to appear for the same hence, the benefit of appearing for three rescheduled examination, which examinations were held during continuation of the tournament was given to the petitioner but as the petitioner could not appear in any of the examinations, which were held during the time her training was undergoing and the tournament was taking place i.e. 19.02.2024 to 05.03.2024 and as for the rescheduled examination, the petitioner could clear 03 of those examination but as the petitioner was required to clear at least 04 examination out of the total 06 examination, in order to be treated as a compartment candidate, the petitioner was required to undertake all the examinations afresh. Learned counsel for the respondents No. 2 to 4 further submits that though the petitioner eventually appeared in the 03 non-rescheduled examinations which were originally held between dated 19.02.2024 till 05.03.2024 and subsequently has also cleared the said examinations, but the said appearance cannot be taken into account as the petitioner is required to undertake the entire examination of said year again as petitioner has been treated as a failed candidate.

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

6. Before proceeding further , it may be noticed that the petitioner is a sports person, who is participating in the tournament despite having physical disability. The petitioner was concededly selected to represent

India in the Para Sports World Cup, which was scheduled to be held from 6th March to 15th March 2024. Another aspect which is to be kept in mind and is also on record is certificate Annexure P/3 given to the petitioner by the respective Sports Association, which states that in order to prepare for the said tournament of Para Sports World Cup, the petitioner was undergoing compulsory training programme starting from 19.02.2024 till the start of the tournament . That being so, the claim of the petitioner should be considered with utmost compassion so that a sports personnel, who is representing India despite physical disability, is treated in a manner required not only by the country but also by the Central Board of Secondary Examination so that he/she does not suffer in his/her academics in any manner.

7. Though for the examinations which were to be held during the continuation of the tournament, the petitioner has been given the benefit of rescheduling of said examination, in which examination the petitioner appeared and passed, which shows that the petitioner is not only a strong sports person but also good in academics.

8. Not only this, the petitioner was allowed to appear in the examination under the order of this Court dated 03.04.2024 subsequently for the examinations which petitioner missed as the petitioner was undergoing training from 19.02.2025 to 05.03.2024 and the petitioner has cleared those examinations also in her first attempt as of now.

9. Keeping in view the said factual position that as of now the petitioner has cleared all the six examination whether the assertion of learned counsel appearing for the respondent-CBSE that the petitioner can

only be given benefit of three examination, which were rescheduled for her benefit as the petitioner failed to appear in the examinations, which were held during the training period and thus the petitioner is to be treated absent/failed in the said examinations and in order to be treated as a compartment candidate, out of six examinations, the candidate was required to clear 04, thus, the petitioner is to be treated fail, will be justifiable in the facts and circumstances of the present case or not.

10. Though, if the circumstances would have been normal, this Court would have sided with the assertion of the respondent-CBSE but once, as of now, the petitioner, who is an excellent sports personnel, who has represented the India in Para Sports World Cup despite having physical disability coupled with the fact that she has cleared all the six examination as of now in the first attempt itself, the Court is of the opinion that the said examinations taken by the respondents shall be treated as rescheduled examinations instead of supplementary examinations. This act will save one year of a sports personnel, who has represented India in Para Sports World Cup despite having physical disability.

11. Keeping in view the totality of the facts and circumstances when it is a conceded position that the petitioner has already cleared all the six examinations as of now, the respondents are directed to treat the said examination undertaken by the petitioner to be valid after rescheduling the same even if, the said rescheduling was done on the basis of the order passed by this Court in the exceptional circumstances which existed in the present case. As the petitioner has already been given the provisional mark sheet showing the petitioner having passed all the 06 examination, the said



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provisional mark sheet be turned into the regular mark sheet to be given to the petitioner within a period of 02 weeks from the date of receipt of copy of this order.

12. It may be noticed that the present order is being passed in the peculiar facts and circumstances of the present case.

13. Present petition is allowed in above terms.

February 27, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No