



\$~231

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

+ **W.P.(C) 1403/2025**

**MASTER GAURAV THROUGH FATHER RAVINDER SINGH**

.....Petitioner

Through: Mr. Arjun Syal, Adv. (VC).

versus

**CENTRAL BOARD OF SECONDARY EDUCATION & ANR.**

.....Respondent

Through: Mr. M.A. Niyazi, Standing Counsel  
with Ms. Anamika Ghai Niyazi, Ms.  
Kirti Bhardwaj, Ms. Nehmat Sethi,  
Mr. Arquam Ali, Advs. for CBSE.

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

%

**10.02.2025**

**CM APPL. 6822/2025**

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 1403/2025&CM APPL. 6821/2025**

3. The present petition has been filed under Article 226 of the Constitution of India, seeking a writ/order/direction to respondent No.1 to issue an admit card to the petitioner and allow him to appear for the Class XII board examinations.
4. Mr. M.A. Niyazi, learned standing counsel for CBSE, on instructions, states that the petitioner in the present case was never granted



admission to respondent school, Adarsh Jain Dharmic Shiksha Sadan, before 29.10.2024, when the school was disaffiliated by CBSE. He further submits that, for the first time, an email dated 10.09.2024 sought "Direct admission" for six students, including the petitioner, for Class XII for the academic session 2024-25. As per CBSE rules, only students registered in Class XI in the school are eligible for promotion to Class XII. In exceptional circumstances, a student can be granted "Direct Admission" in Class XII only with CBSE's approval.

5. Learned counsel further submits that, as per the data uploaded by the school on 01.10.2024 in the "Comprehensive School Report Card," the total number of students admitted to Class XII was shown as "zero". He submits that CBSE rejected the request for "Direct Admission" on 04.10.2024. Since the petitioner's "Direct Admission" was never approved by CBSE, there was no occasion for issuing an admit card. He further contends that respondent No.3 school is a "dummy school" which grants admission to students in violation of CBSE rules and norms. The issue of "dummy schools" is currently under consideration before a Division Bench of this Court in *W.P. (C) 12454/2023, Dr. Rajeev Aggarwal v. Government of NCT of Delhi & Ors.*
6. Learned counsel for the petitioner submits that another student, Mudit Jindal, who was in an identical situation, has already been issued an admit card by CBSE. He further contends that CBSE's reliance on the Oasis Report dated 01.10.2024 is misplaced, as admit cards were issued to 362 students despite the report. He argues that the dispute is between the school and CBSE, and the petitioner should not be made to suffer, especially when he had cleared his Class XI exams under CBSE and



was regularly attending school. He also submits that the petitioner was never informed of CBSE's communication dated 04.10.2024 rejecting his direct admission.

7. In rejoinder, Mr. M.A. Niyazi, learned standing counsel for CBSE, submits that the case of Mudit Jindal is entirely different, as he had secured admission in another school, which was subsequently approved by CBSE. He further submits that 362 students were issued admit cards despite irregularities on the part of the school, solely in the best interest of the students and in light of the disaffiliation order dated 29.10.2024. However, the case of these 362 students is distinguishable from that of the petitioner, as they had taken proper admission in respondent No.3 school before its disaffiliation and CBSE, in terms of its disaffiliation order, did not disturb these students.
8. Mr. M.A. Niyazi, learned standing counsel for CBSE, has fairly submitted that, as per instructions from the Controller of Examinations, the petitioner can still salvage his academic year by taking direct admission in the National Institute of Open Schooling (NIOS) and appear for the Class XII examinations.
9. While exercising its writ jurisdiction, the Court must act with circumspection, despite the broad discretion available. The Court must also ensure that such jurisdiction is exercised within the limits permitted by law. The discretionary power under writ jurisdiction cannot be invoked in a manner that disrupts the functioning of a regulatory body like CBSE.
10. In the present case, the petitioner's direct admission was never approved by CBSE. The petitioner contends that he was never



informed by the school about this rejection. However, as a Class XII student, it was incumbent upon him to be diligent about his academic status. The petitioner has approached this Court at the last moment, with the Class XII board examinations set to commence on 15.02.2025. The Court must also consider related and attendant aspects such as aggregate attendance and participation in practical examinations. In the absence of any material on record to show that CBSE approved the petitioner's "Direct Admission", it is not possible to exercise discretion in his favor.

11. It is pertinent to mention that in the writ jurisdiction, the court is primarily concerned with the decision making process then the decision itself. The power of judicial review can be invoked only if the court finds that there is malafide or perversity in the decision making process. The court is fully conscious of the interest and welfare of the child. But the court is bound by the settled boundaries in which it has to function. For a single case, it cannot allow itself to set a bad precedent.
12. The relief sought in this petition is limited to the issuance of an admit card for the Class XII board examinations commencing on 15.02.2025. Since the Court is not inclined to grant such relief, the pendency of this petition would serve no purpose. Accordingly, the petition stands disposed of.

**DINESH KUMAR SHARMA, J**

**FEBRUARY 10, 2025/AR/NA..**