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

+ **W.P.(C) 11821/2024, CM APPL. 49178/2024 & CM APPL. 8502/2025**

SUBHASH CHANDRA SHARMA

.....Petitioner

Through: Mr.Samman Vardhan Gautam,
Ms.Khushi Sharma and Mr.Prabhull
Kumar, Advocates

versus

KENDRIYA VIDYALAYA SANGATHAN AND ORS

.....Respondents

Through: Mr.U.N.Singh and Ms.Sandhya
Chaturvedi, Advocates for KVS

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
27.02.2025

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1. The present petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs: -

“A) Issue a Writ of mandamus or any other writ of Mandamus Or Any Other appropriate Writ/Order/Direction, thereby Quashing and Setting aside The order dated 22.07.2024 & 12.08.2024 and For other direction.

B) Stay the order dated 22.07.2024 & 12.08.2024 passed by the respondent authority and re-admit the son of the petitioner till the final disposal of the present writ petition.

C) issue such other writ/order/ direction and further orders as the Hon'ble Court may deem just and proper in the facts and circumstances of the case.”

2. The Court, vide its order dated 20.11.2024, after taking into account



the exceptional circumstances, directed the respondent No.1 to reconsider its decision and explore the possibility of allowing the petitioner to re-write Class 9th final examination as a last opportunity. Pursuant to the same, the respondent No.1 issued a notice dated 30.11.2024, giving an opportunity to the petitioner to appear in the examination from 02.12.2024 to 05.12.2024. Subsequently, the petitioner filed an application seeking stay of the said notice, which was dismissed by this Court vide order dated 11.12.2024. However, the Court directed the respondent to place on record the affidavit as to how the opportunity to write the examination was extended to the petitioner. The respondents filed an affidavit dated 28.01.2025, whereby, it was stated that pursuant to the communication dated 30.11.2024, the respondent No.1 received the communication through e-mail dated 01.12.2024 from the petitioner that his child is unwell and attending the schedule examination on 02.12.2024 would not be possible for his ward. It was further stated in the said affidavit that, thereafter, the date sheet was revised for re-examination and the same was communicated to the petitioner, whereby, the exams were re-scheduled from 03.12.2024 to 10.12.2024. However, the child of the petitioner again, did not appear in the examination.

3. Learned counsel for the respondents has fairly submitted that, in view of the exceptional circumstances, as being explained by the petitioner and without creating any special equity in favour of the petitioner, the child of the petitioner may be allowed to appear in the Class 9th final examination, which is commencing from 01.03.2025.
4. In view of the submissions made by learned counsel for the parties,



the child of the petitioner is allowed to appear in Class 9th final examination in the respondent-School, which is commencing from 01.03.2025. However, it is made clear that this shall not create any special equity in favour of the petitioner. It is also to be noted that this order shall not be treated as a precedent as has been passed in the exceptional circumstances on the medical grounds. The petitioner is at liberty to invoke the jurisdiction of this Court, in case of any grievance.

5. With the aforesaid directions, the petition alongwith pending applications stand disposed of.
6. Copy of the order be given *dasti* under the signatures of the Court Master.

DINESH KUMAR SHARMA, J

FEBRUARY 27, 2025

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