

13-02-2026
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.3303 of 2026

Avishake Thapa

-vs-

Union of India & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Ambiya Khatun ...for the petitioner

Mr. Raj Kumar Gaurisaria, adv.
Mr. Srikumar Chakraborty,adv
Mr. Atma Prakash Singh, adv.for Union of India

Mr. U.S. Menon, adv.
Mr. Abhirup Chakraborty, adv. ...for CBSE

Mr. Rabindranath Bag, sr. adv.
Sk. Md. Wasim Akram, adv.
Ms. Nazni Khatun, adv. ...for the school

1. I have heard the respective submissions made on behalf of the petitioner and the respondent authorities.
2. The statement of the Principal of the school where the petitioner is studying has been placed before the Court. It appears therefrom that the petitioner in the academic session 2024-25, obtained 50% marks; in the academic session 2025-26, 1st monthly test he secured 38.46%, in second monthly test he secured 40.51%, in the third monthly test he secured 37.95%, in the 4th monthly test he secured 39.49%. In the first pre-board examination he secured 30% and in the second pre-board examination he secured only 29.23% marks.
3. The petitioner has been debarred from appearing

in the class XII board examination on account of low attendance.

4. Learned counsel for the petitioner stress on the fact that in the class XI examination the candidate secured 50% marks. All candidates may not be very brilliant and there may be some who are average or below average.
5. It has also been submitted that since the percentage of marks was not the criteria for debarring the candidate, accordingly, the shortfall in the attendance may be condoned and the student may be permitted to take chance to appear in the Board examination.
6. From the percentage of attendance as calculated by the school, it appears that the petitioner attended only 98 classes out of total 165 classes totalling to 59.39%. The minimum percentage required for being sent up to the Board examination is 75%.
7. The special reason for which the petitioner seeks condonation of shortfall in attendance is an accident which he suffered for which there was a fracture in his right hand fifth metacarpal on November 24 2025. He joined school only on January 3, 2026.
8. The petitioner, despite being aware that he was due to appear in the forthcoming Board examination in the year 2026 and there is requirement of maintenance a minimum percentage of attendance, neglected to intimate the school as regards his injury in proper time.
9. The X-ray report of the petitioner annexed to the writ petition is dated December 26, 2025, that is, nearly one month after the said alleged accident took place.

10. Considering the academic standard of the petitioner and his percentage of attendance, the Court is not inclined to interfere with the decision of the school to debar the petitioner from appearing in the forthcoming Board examination.
11. The Court is of the opinion that showing any leniency or sympathy may not be in the best interest of the petitioner. Such misplaced sympathy may embolden the petitioner to defy laws and to rush to Court for relief. A school student ought to follow and comply with all the rules and regulations maintained by the school so that the student can grow up as responsible citizen of the country.
12. As a uniform principle has been followed by the school in respect of all other students with low attendance, there is no reason why the Court will direct the school to depart from the same.
13. The Court is not inclined to interfere in the instant writ petition. The same fails and is hereby dismissed.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

