ORISSA HIGH COURT : CUTTACK

WP(C) No.7858 of 2026

An application under Articles 226 & 227 of the Constitution of India.

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Sri Ayush Joshi & Others

... **Petitioners.**

-*VERSUS*-

Central Board of Secondary Education, New Delhi represented through its Chairman, CBSE Integrated Office Complex, New Delhi & Others

... **Opposite Parties**.

Counsel appeared for the parties:

For the Petitioners : Mr. Kunal Kumar Swain, Advocate

For the Opposite Parties : Mr. Tarananda Pattanayak, Adv.
(For the CBSE)

P R E S E N T:

HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA

Date of Hearing : 09.04.2026 :: Date of Judgment : 10.04.2026

JUDGMENT

ANANDA CHANDRA BEHERA, J.—

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioners praying for quashing the impugned Order dated 26.05.2025 (Annexure-2) issued by the Central Board of Secondary Education, Regional Office, Bhubaneswar (Opp. Party No.2) and for issuance of necessary directions to the Opp. Parties to publish the result of the petitioners, in respect of their Senior School Certificate Examination, 2025 (Class-XII) within a stipulated time and to pass such other order/orders or direction/directions as the Courts deems fit and proper in order to give complete relief to the petitioners.

2. The case of the petitioners is that, they (petitioners) were the regular students of Class-XII of Padampur Public School in the District of Bargarh. They (petitioners) appeared their Senior School Certificate Examination, 2025 (Class-XII) under the Central Board of Secondary Education in Odisha Adarsha Vidyalaya, Bandupali as the regular students on the basis of the admit cards vide Annexure-1 series issued to them by the

CBSE (Opp. Party No.1). Though, in the said examination, they (petitioners) had done extremely well, but their results in the website were not published on dated 13.05.2025 reflecting in the Result Later (R.L) without awarding any mark in their any paper. Subsequently, the Principal, Padampur Public School, Padampur provided them the Official Order dated 26.05.2025 issued by the Opp. Party No.2 (Regional Director, Central Board of Secondary Education, Regional Office, Bhubaneswar) stating that, their results were shown as UFM (Unfair Means) for which, their result of 2025 in all subjects has been cancelled.

To which, the petitioners challenged by filing WPC No.34771 of 2025 praying for quashing the cancellation of their results and to direct the Opp. Parties to publish their results.

The said Writ Petition vide WPC No.34771 of 2025 of the petitioners was decided by this Court and the Judgment thereof was passed on dated 08.12.2025, wherein the petitioners were directed to submit a representation before the Opp. Party No.2.

Thereafter, the petitioners made a joint representation before the Opp. Party No.2 within the stipulated period, but still then, there was no response to the same by the Opp. Parties including the Opp. Party No.2.

3. For Which, the petitioners filed this Writ Petition praying for quashing the above Annexure-2 along with other relief as stated above.

4. As per the writ petition of the petitioners, though, the result of almost all candidates of the same centre has been published by the Opp. Parties, but their result has been cancelled by the Opp. Parties clandestinely taking a discriminating attitude towards them (petitioners). Therefore, the above Order dated 26.05.2025 (Annexure-2 series) regarding the cancellation of their entire result on the ground of malpractice in some subjects on the ground of giving similar answers with their adjacent students of the same centre cannot be sustainable under law.

5. I have already heard from the learned counsel for the petitioners and learned counsel Mr. T.N. Pattanayak for the Opp. Party Nos.1 to 3.

6. As per the rival submissions of the learned counsels of both of the sides, the crux of this writ petition is that,

"*whether the impugned order dated 26.05.2025 Annexure-2 series issued by the C.B.S.E. regarding the cancellation of the results of Senior School Certificate Examination, 2025 (Class-XII) of the petitioners alleging their indulgence in adopting unfair means during examination in some subjects indicated in Annexure-2 series on the ground of giving similar answers in some questions with other students in the same centre is sustainable under law?*"

7. It is the undisputed case of the parties that,

> *"neither the centre, in which the petitioners had appeared examination was scratched on the ground of mal practice nor any report was there from the principal, centre superintendent, invigilators or any flying squad about any mal practice by any students including the petitioners or any incriminating material was found from the possession of the petitioners or from the examination hall.*
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> *The result of Senior School Certificate Examination, 2025 (Class-XII) of the said centre, in which the petitioners had appeared has not been cancelled except the petitioners along with some other few students, but the result of all other students have been duly published. Much after the evaluation of the answer sheets of the petitioners, the final result of the*

petitioners were not published on the ground of UFM (Unfair Means) and their result was cancelled stating about the giving up of similar in answers in some multiple choice questions in some subjects indicated in Annexure-2 series."

8. When the CBSE (Opp. Party No.1) published the final result of all the students of the same examination centre except the petitioners and some other few students alleging malpractice against the petitioners, on the basis of inferences, surmises and conjectures without any direct evidence/material relating to the so-called malpractice adopting discriminatory attitude, then, the above conduct of the Opp. Party Nos.1 and 2 is ultimately affecting the right to equality of the petitioners guaranteed under Article 14 of the Constitution of India, 1950.

When there is no authentic/concrete legal proof before the Opp. Parties to reach in a definite conclusion that, the petitioners had adopted malpractice during examination in respect of some answers in two to three subjects indicated in Annexure-2 series, then, at this juncture, the cancellation of the result of the petitioners as per Annexure-2 series cannot be sustainable under law.

On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:

> (A) In a case between ***Board of Secondary Education, Orissa, Cuttack Vs. Gayatri Hota and Others reported in 2001 (I) OLR 398*** that, malpractice in examination and cancellation of results—Results of some examinees were withheld for taking recourse of malpractice in examination—Out of them some were exonerated and the result of the petitioners were cancelled as decided by the examination committee—Neither the centre superintendent nor or from any other quarter, there was complaint of malpractice. There was possibility of some similarity in answers as the questions were objective in nature and those were short questions. On the basis of suspicion, a positive decision cannot be arrived at.
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> (B) In a case between ***Rajesh Kumar and Another Vs. The Institute of Engineers (India) decided in Civil Appeal No.5057 of 1997 (SC) on 25.07.1997*** *that, results of some candidates withheld for adopting unfair means and malpractices in the examinations. Explanations of examinees not accepted-Results of the said examinees cancelled-Suit by two of the said examinees before Civil Court-When the matter came before the High Court, it directed the Institute to redecide the matter-This time the Institute adopted a new technique to test the ability of the examinees and decided the matter against them-Held, the orders of the Institute in cancelling the results of the appellants' examinations and disqualifying them for two succeeding examinations were in access of jurisdiction and are quashed. The Institute should declare the result of the examinees forthwith.*
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> (C) In a case between ***Chairman, J & K State Board of Education Vrs. Feyaz Ahmed Malik & Others reported in AIR 2000 SC 1039*** that, matters concerning campus discipline of

educational institutions and conduct of examinations, the duty is primarily vested in the authorities in-charge of the institution, and in such matters Court should not try to substitute its own views in place of the concerned authorities nor thrust its views on them.

(D) In a case between **Harish Chandra Tewari & others Vs. The Board of H.S. & Another reported in AIR 1981 (All.) 144** that, the Hon'ble Division Bench did not accept the charge of copying solely on the ground that, the answers of the true translation given by the examinees remarkably tallied with one another and also held that, similarity in some of the answers in the two answer books in question was not proper, there being no direct evidence that, any one observed the petitioner using unfair means during the course of the examination. Cancellation of result quashed.

(E) In the cases between ***Basanta Kumar Pradhan & Others Vs. State of Orissa & Others reported in 2011 (1) OJR 868*** that, there was allegation of malpractice—which was challenged before the High Court—Held, the examination committee should have sufficient materials to come to a conclusion that, there was malpractice and it cannot base their decisions on presumption, conjectures and surmises, as no incriminating materials were found from the possession of any particular student nor were found from the examination halls as would been from the report of the flying squad. Held, the decisions of the Examination Committee to award '00' marks to the petitioner in History Paper-1 of Higher Secondary +2 Examination, 2009 cannot be sustained. (Para Nos.5 to 7)

9. Here in this matter at hand, when the result of the examination of all the students of the same centre, in which the

petitioners had appeared has already been published in due time, but when the result of the petitioners along with some other few students has been cancelled on the ground of their indulgence in malpractice in some questions in two to three subjects indicated in Annexure-2 series during examination alleging giving up of similar answers with some students and when neither the principal nor the centre superintendent or the invigilators of the examination centre had alleged any allegation regarding adoption of any malpractice by the petitioners during their examination and when as per law, the conduct of examinations is primarily vested in the authorities in charge of the institution at the time of conducting examination and when there was no allegation against the petitioners relating the adoption of any malpractice by the in-charge of the examination centre, who was vested with all powers and authorities to conduct the examination, then, at this juncture, by applying the principles of law enunciated in the ratio of the aforesaid decisions, the cancellation of result of the Senior School Certificate Examination, 2025 (Class-XII) of the petitioners on the basis of inference, presumptions, conjectures and surmises

without any direct evidence or material is not sustainable under law.

10. Therefore, there is justification under law for making interference with the impugned Order dated 26.05.2025 (Annexure-2 series) issued by the Central Board of Secondary Education, Regional Office, Bhubaneswar through this writ petition filed by the petitioners. For which, the Annexure-2 series are liable to be quashed.

11. As such, there is merit in the writ petition filed by the petitioners. The same is to be allowed in part.

The cancellation of the result of the petitioners indicated in Annexure-2 series issued by the Central Board of Secondary Education, Regional Office, Bhubaneswar (Opp. Party No.2) is quashed.

12. All the Opp. Parties are jointly and severally directed to publish the result of the Senior School Certificate Examination, 2025 (Class-XII) of the petitioners 2025 within a week from the date of this Judgment and to communicate the result of the petitioners as well as its consequential certificates and mark sheets as per the rules immediately after publication of their results.

13. As such, this writ petition filed by the petitioners is disposed of finally.

(ANANDA CHANDRA BEHERA)
JUDGE

High Court of Orissa, Cuttack
The 10 .04. 2026// Rati Ranjan Nayak
Sr. Stenographer

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