IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 30866 of 2026
CNR No.ODHC010710932026

Jagadish Patra …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.21560 of 2026
CNR No. ODHC010492832026

Tulasirani Sahu …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.21570 of 2026
CNR No. ODHC010495692026

Nihar Ranjan Bagarty …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.21573 of 2026
CNR No. ODHC010495722026

Himanshu Sekhar Nag …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.21576 of 2026
CNR No. ODHC010495742026

Shrutirani Sahu …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.21581 of 2026
CNR No. ODHC010495752026

Abhijit Prasad Sahu …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.21588 of 2026
CNR No. ODHC010495772026

Om Prakash Mund …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.21782 of 2026
CNR No. ODHC010492892026

Pinki Budek …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.22153 of 2026
CNR No. ODHC010485522026

Mamita Majhi …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.22160 of 2026
CNR No. ODHC010485562026

Kalyanee Beshra …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.22259 of 2026
CNR No. ODHC010485232026

Somyaranjan Dash …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.22263 of 2026
CNR No. ODHC010485322026

Tushar Luhar …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.22267 of 2026
CNR No. ODHC010485362026

Malaya Bhoi …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

W.P.(C) No.22332 of 2026
CNR No. ODHC010485102026

Samikhshya Prusty …. **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another …. **Opposite Parties**
Mr. Tarananda Patnaik, CBSE

AND

W.P.(C) No.31887 of 2026
CNR No. ODHC010734122026

Bimaleswar Prasad Tripathy **Petitioner**
Mr. S.K.Mishra, Advocate

-Versus-

Central Board of Secondary Education, New Delhi & another **Opposite Parties**
Mr.Tarananda Patnaik,CBSE

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
05.11.2026

Order No.

02. 1. All the writ petitions are taken up together for orders.

2. Heard Mr. Mishra, learned counsel for the petitioners and Mr. Patnaik, learned counsel for the CBSE.

3. Instant writ petitions are filed by the petitioners assailing the impugned office order under Annexure-1 dated 26th May, 2025 passed by opposite party No.2 in cancelling their result of Senior Secondary Examination-2025 (Class-XII) and seeking a direction to publish the results with immediate effect on the grounds stated.

4. Mr. Mishra, learned counsel submits that the Notification i.e. Annexure-1 has been quashed by Co-ordinate Bench of this Court in W.P.(C) No. 7858 of 2026 (**Ayush Joshi & others Vrs. CBSE, New Delhi)** and others and therefore, the results of the petitioners should also be declared. The further submission is that the petitioners cannot be differently treated when by virtue of the decision in **Ayush Joshi** (supra), results of other students has been declared. The submission is that some of the students had approached this Court in W.P. (C) No. 16032 of 2025 challenging the decision of the CBSE in not declaring the results and therein, an enquiry was directed and it was followed by a notification challenged in W.P.(C) No. 34046 of 2025 **(Akash Chhatar & others Vrs. CBSE, New Delhi)** and others disposed of on 26th February, 2026. Mr. Mishra, learned counsel submits that the said Notification of the CBSE was quashed by this Court vide Annexure-4. The contention is that the petitioners are similarly situated like other students against whom the allegation was of malpractice and when their results have been declared, parity should be extended. It is reiterated that when the notification at

Annexure-1 has been quashed, the results of the petitioners cannot be withheld. Such denial in declaration of result of the petitioners, as according to Mr. Mishra, learned counsel, cannot be justified on the premise of them having approached this Court belatedly especially when the notification dated 26th May, 2025 i.e. Annexure-1 does not exist anymore having been quashed by this Court in **Shri Ayush Joshi** (supra) hence, a direction is required to be issued to the opposite parties to declare their results of Senior Secondary Examination-2025 (Class-XII) without further delay.

5. Mr. Patnaik, learned counsel for the CBSE would submit that parity cannot be claimed by the petitioners and refers to an order of a Co-ordinate Bench of this Court dated 17th November, 2025 in W.P.(C) No.32136 of 2025 (**Shubhranshu Naik and others Vrs. Central Board of Secondary Education, New Delhi and others**) as at Annexure-A of the counter affidavit. The submission is that when such a question arose and the challenge to the declaration of result from the side of the CBSE on the ground of the students having approached this Court belatedly and it was taken judicial notice of and no positive direction was issued in that regard, the petitioners, who are equally placed, cannot claim any such parity taking advantage of the decision in **Shri Ayush Joshi** (supra). Furthermore, the contention of Mr. Patnaik, learned counsel is that the nature of malpractice was revealed from the answer scripts and therefore, action was taken by the CBSE with the result of the students withheld. It is

also contended that if the results of the petitioners are declared, it would open a floodgate as there are many others, who may approach this Court hereafter and hence, it would cause great amount of difficulty for the CBSE to manage since there is schedule fixed in a calendar year, which would be disturbed. The submission is that notwithstanding the result of some of the candidates having been declared, regard being had to the difficulties pleaded on record, Mr. Patnaik, learned counsel with reference to the counter affidavit and the decision **Shubhranshu Naik** (supra) finally contends that it is not a fit case where similar relief should be allowed in favour of the petitioners.

6. In course of hearing, it is informed to the Court by Mr. Patnaik, learned counsel that the matter in which results of some of the students of the school in question was directed to be declared is presently pending before this Court in W.A. No. 969 of 2026 (**Regional Director, Regional Office, C.B.S.E., Bhubaneswar Vrs. Akash Chhatar & others**). It is fairly admitted by Mr. Patnaik, learned counsel that there has been no interim order in the said appeal by the Division Bench of this Court. It is also informed to the Court that in other cases similarly allowed by this Court appeals have been filed by the CBSE and the same are pending disposal. Today, a memo is filed by Mr. Patnaik, learned counsel providing the details of other matters pending disposal, wherein, similar reliefs have been sought for by other candidates and the same is taken on record.

7. Admittedly, the Notification as at Annexure-1 has been quashed in **Shri Ayush Joshi** (supra) in its entirety. This Court while disposing of the case (supra) reached at the following conclusion which is reproduced herein below:

> "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."

8. This Court finds that no incriminating materials were detected at the Centre where the examination was held and reported. It is fairly admitted by Mr. Patnaik, learned counsel that there is no direct evidence of any such malpractice by the students. It is claimed that there was evidence to show the malpractice and it was possible after verification of the CCTV footage installed at the Centre. It is alleged that the school in question where the examination was held has been subjected to action and a de-affiliation proceeding is initiated and presently, underway. It is informed that the action by de-affiliation is under challenge at the behest of the school where the Centre was held vide W.P.(C) No. 20038 of 2026 and thereafter, challenging the shifting of the students of the said School in W.P.(C) No. 30825 of 2026. The action is against the Centre and hence, the de-affiliation but having regard to the fact that some of the students have been granted relief with a direction to declare their results in **Shri Ayush Joshi** (supra), this Court is of the view that the petitioners, who are not differently situated, should be treated at par and with parity and that too when, the notification dated 26th May, 2025 i.e. Annexure-1 has been quashed in its entirety.

9. In **Shubhranshu Naik** (supra), this Court considered the submissions of some other students, who approached this Court belatedly and therefore, no direction was issued for declaration of their results, however, granting the liberty to the CBSE to examine their plea. In other words, it was left to the discretion of the CBSE to consider the plea of the petitioners therein and to take a decision accordingly. Subsequent to the order (supra) in respect of other students, this Court in **Shri Ayush Joshi** (supra) directed the results to be published and as earlier stated, the notification dated 26th May, 2025 was quashed. As to the plea of the CBSE that delay is a ground not to consider the declaration of result as was held in **Shubhranshu Naik** (supra), Mr. Mishra, learned counsel refers to an order dated 27th October, 2026 in W.P.(C) No. 31995 of 2026 (**Sephali Rath Vrs. State of Odisha & others**) to contend that when the notification was quashed, the students who approached this Court belatedly, cannot be denied the same relief alleging them as fence-sitters. A copy of the said order in **Sephali Rath** (supra) is produced at the time of hearing and the same is gone through, wherein, this Court considering the settled principles of law with reference to **Amrit Lal Berry Vrs. Collector of Central Excise, New Delhi and others (1975) 4 SCC 714** and **Lt. Col. Suprita Chandel Vrs. Union of India & others** in Civil Appeal No. 1943 of 2022 decided on 9th December, 2024 held and concluded that one cannot be differently treated but shall have to be extended the same benefits as allowed to others similarly

situated and hence, rejected the plea of fence-sitter taking judicial notice of the maxim- *vigilantibus non dormientibus jura subveniunt*". This Court, is inclined to accept the argument advanced by Mr. Mishra, learned counsel to the effect that belated approach in a case seeking similar relief cannot be denied more so when the notification itself has been quashed. Having said that, the objection of the CBSE on any such ground referring to the decision in **Shubhranshu Naik** (supra) cannot be accepted, hence, liable to rejection.

10. As regards, the malpractice alleged, according to CBSE, the students adopted unfair means. The details of the malpractice are also pleaded in the counter affidavit but this Court in **Shri Ayush Joshi** (supra) has taken cognizance of the malpractice alleged against the students and discussed the settled principles of law and ultimately, reached at a conclusion that in absence of any direct evidence about such malpractice having taken place, the results of the petitioners therein should be declared. The decision in **Board Secondary Education Odisha, Cuttack Vrs. Gayatri Hota & others, 2001(Vol-I) OLR 398** has been referred to therein where the allegations were same as to similarity in answers and it was on the basis of suspicion that a positive decision could not be arrived at about the malpractice. In **Harish Chandra Tiwari & others Vrs. The Board of High School and Intermediate Education, Uttar Pradesh, Allahabad, 1981 SCC Online All 88**, it was held that in absence of any direct evidence about unfair means adopted during the course of examination, cancellation of the

result is liable to be quashed. It is though alleged by the CBSE that from CCTV footage evidence was collected and it was revealed that unfair means were adopted but in absence of any specific instances brought to the notice of this Court and having been alleged on record and as a decision has been reached at in **Shri Ayush Joshi** (supra), it would not be right and justified not to declare the results of the petitioners, who are similarly situated like others. This Court is inclined to hold that and the notification dated 26th May, 2025 has been quashed and as a necessary corollary, the results of the petitioners are to be declared without further delay. It is reiterated that the other students who received benefits and their results have been declared and the allegations against them are similar to the petitioners and therefore, this Court reached at such a conclusion that they should be treated equally with a direction to CBSE to declare their results but it shall be subject to the result in WAs filed by the CBSE and pending disposal and accordingly, it is ordered.

11. In the result, the writ petition stands allowed for the compliance of the direction hereinabove soon after receiving a copy of this order declaring the results in respect of the petitioners vis-a-vis Senior Secondary Examination, 2025 (Class-XII) at the earliest preferably within a period of four weeks from the date of receipt of a copy of this order.

12. A certified copy of this order be issued as per rules.

Signature Not Verified
Digitally Signed
Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC, Cuttack
Date: 10-Nov-2026 15:14:59

(R.K. Pattanaik)
Judge