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W.P.No.3376 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3376 of 2026
and W.M.P.No.3794 of 2026

B.Shajimon

.. Petitioner

Versus

1. Union of India,
Department of School Education and Literacy,
Represented by its Secretary,
Education Department,
122-C, Shastri Bhavan,
Dr.Rajendraprasad Road,
New Delhi – 110 001.

2. The Central Board of Secondary Education,
Represented by its Secretary,
CBSE Integrated Office Complex,
Sector – 23, Phase – 1,
DWARKA,
New Delhi – 110 007.

3. The Regional Director,
The Central Board of Secondary Education,
1360-A. J-Block,
Anna Nagar West,
Chennai – 600 040.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling upon the records



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pertaining to the impugned order of the 3rd respondent in Ref.No.CBSE/RO(M)/Legal/2025/WP35514/2025/SP, dated 08.01.2026 and quash the same and further direct the 3rd respondent to permit the petitioner's daughter S.ASWATHA to appear and write the subject of Mathematics as an additional subject in Senior School Certificate Examination 2025-2026 as a private candidate and assess and declare her results.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.D.Baskar,
Central Government Standing Counsel,
for R1

: Mr.T.Sri Krishna Bhagavat, for RR-2 and 3

ORDER

This Writ Petition is filed for Certiorarified Mandamus calling for the records pertaining to the impugned order of the third respondent, dated 08.01.2026 and to quash the same and further direct the third respondent to permit the petitioner's daughter, *S.Aswatha*, to appear and write the subject of Mathematics as an additional subject in Senior School Certificate Examination 2025-2026.

2. Upon hearing the learned Counsel for the petitioner and perusing the affidavit filed in support of the Writ Petition, the case of the



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petitioner is that the petitioner's daughter was admitted into class XI under the C.B.S.E stream in the Sri Chaitanya Techno School for the subjects containing English, Biology, Physics, Chemistry and Mathematics. Accordingly, the student underwent the subject of Mathematics throughout her XI standard and sometime through the XII standard also. Suddenly, by considering that the petitioner is going to write the NEET Examination and take up Medicine as her career, upon certain advises, instead of Mathematics, she was made to select Physical Education while submitting the details to the Central Board of Secondary Education. Now, the petitioner was not successful in the NEET Examination and if she takes Mathematics as an additional subject, she can get admission in any Engineering College. Therefore, when the respondents have a scheme as per bye-law 43 to study an additional subject and when the petitioner prayed for the same, the same is now rejected by the impugned order, dated 08.01.2026.

3. The learned Counsel for the petitioner would submit that the Delhi High Court also considered a similar issue in the judgment in *Prabhroop Kaur Kapoor and Ors. Vs. Union of India and Anr. (W.P. (C).No.15086 of 2025)* and held that merely because there is a policy



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change, legitimate expectations cannot be overridden and directed students be permitted to take up the additional subject.

4. Per *contra*, the learned Counsel for C.B.S.E would submit that the bye-law 43 will not be applicable as in this case, the student has studied only the Physical Education in XI and XII standard and not Mathematics. Unless the students study the Mathematics as a subject in XI standard, the same cannot be taken. The option to take an additional subject is available only in the XI standard and for the period of two years. The same cannot be misapplied to the situation like the petitioner. The learned Counsel would also rely upon paragraph Nos.4 and 7 of the counter-affidavit. He would firstly submit that the judgment of the Delhi High Court is in a different fact situation relating to gap year students and secondly, even with reference to the same, an appeal has been filed by the C.B.S.E and the same is pending before the Hon'ble Division Bench

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It can be seen that normally, the students of C.B.S.E are



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mandated to study five subjects including English as one of the language subjects. The following is the bye-law 43 which permits an additional subject:-

43 Additional Subject(s)

*** (i) A candidate who has obtained minimum Grade D in at least five subjects (excluding the 6th additional subject) under Scholastic Area A as per the Scheme of Studies and a Qualifying Certificate/Gradesheet cum Certificate of Performance at the Secondary School Examination/passed the Senior School Certificate Examination of the Board may offer an additional subject as a private candidate provided the additional subject is provided in the Scheme of Studies and is offered within six years of passing the examination of the Board. No exemption from time limit will be given after six year. Facility to appear in additional subject will be available at the main examination only.

*** (ii) However, candidates appearing in six subjects at the Senior School Certificate Examination having been declared 'Pass' by virtue of securing pass marks in five subjects, without replacement, may reappear in the falling sixth additional subject at the Compartment Examination to be held in July the same year, provided he/she had appeared at the examination held in March in the said additional subject."

7. Apart from the mandatory five subjects, the students of C.B.S.E can study one additional subject as the sixth subject and certain facilities have been granted in respect thereof, to appear as a private candidate. In this regard, the conditions to apply the same is enumerated in paragraph No.4 of the counter affidavit which reads as follows:-

"4. It is stated that, as per Public Notice No.CBSE.CE/Coordination dated 15.09.2025 (copy



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enclosed), the eligibility criteria for appearing in the Board Examination are clearly stipulated as follows:

- Class XII is two years programme comprising of Class XI and Class XII. Therefore, a candidate must have studied each subject for two academic years to be eligible to appear in the Board examination.
- CBSE offers additional subjects in addition to compulsory 5 subjects in Class X and XII. In Class XII, only one additional subject may be offered, and such additional subject must be studied for two years.
- If a regular student has offered additional subject in previous years and has been placed either in “Compartment” or “Essential Repeat” category only, they can appear as a private candidate under respective repeat category.
- A student who is not meeting the above conditions is not eligible for examination in additional subjects in Board examination as a private candidate.”

8. Therefore, the main objection is that Mathematics should have been studied as a subject in the XI standard as unless the candidates study Mathematics in the XI standard, to permit her to write the XII standard Mathematics alone would not be permissible. That context is borne in mind. But, in the instant case, the extreme precarious situation of the student is taking into account. It is stated that it is on behalf of the external pressure, the subject was changed in the last minute. The mark sheet from the school, with reference to the Academic Year 2023-2024, is also produced. It is stated that the petitioner has studied the subject of Mathematics with subject code – 041. Even if the same is taken into account, incorrect information is fed to the C.B.S.E. Education = Learning



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throughout the world. But, in this part of the world, education = admission to medical seat or engineerig seat. Parents make the children to run the terrible rat race. In the madness, all kinds of subject change, as the one done here by choosing subjects which they think lighter all happen. In high school, even mother tongue is sacrificed to take other easier subjects. These are all practiced by the parents thinking that if the child studies three subjects alone, she will come out with flying colours in the NEET examination, which ultimately was not to be in the present case and now, the child finds itself in the crossroads.

9. The fact remains that the child studied Mathematics throughout the XI standard and upto some time, in the XII standard. Therefore, ultimately, the law should lean in favour of correcting the other procedures towards truth and when the fact remains that the petitioner only studied Mathematics and not Physical Education in the XI standard, I am of the view that the relief should lean in favour of permitting the student to write the Mathematics as a subject, since an additional subject is permitted. As an extraordinary situation has arisen, let the student be permitted by the second respondent to take up the supplementary examination for the Mathematics subject that is said to be slated on 09.03.2026. If any



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requisite form and the fees to be taken from the student, the same shall also be collected in the manner known to law.

10. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The petitioner, along with the minor student, shall appear before the third respondent on or before 03.03.2026 along with the web-copy of this order and provide such proof for the students studying the subject of Mathematics in the XI standard and also some period in the XII student;

(ii) Any other note books, homework written by the student and the other evaluations made, apart from the certificate given by the school and all other proof, the student shall be presented before the third respondent;

(iii) If the third respondent satisfied that the petitioner has, in fact, studied Mathematics to a considerable period of time, that is throughout XI standard and to some period, in the XII standard, then, an opportunity can be granted to the student to take up Mathematics as an additional subject and the student be permitted to write the supplementary examination and as per which, the result can be declared and the mark



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sheet can be issued to the student;

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(iv) The above directions are issued in the peculiar facts of the instant case;

(v) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Neutral Citation : yes
grs

To

1. The Secretary,
Department of School Education and Literacy,
Education Department,
122-C, Shastri Bhavan,
Dr.Rajendraprasad Road,
New Delhi – 110 001.
2. The Central Board of Secondary Education,
Represented by its Secretary,
CBSE Integrated Office Complex,
Sector – 23, Phase – 1,
DWARKA,
New Delhi – 110 007.
3. The Regional Director,
The Central Board of Secondary Education,
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D.BHARATHA CHAKRAVARTHY, J.

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