

(2023) 03 DEL CK 0037

In the Delhi High Court

Case No : Civil Writ Petition No. 2881 Of 2023, Civil Miscellaneous Application
No. 11182, 11183, 11184 Of 2023

Annanya Yaduvanshi (Minor) Through Her Father APPELLANT

Vs

Central Board Of Secondary Education & Ors. RESPONDENT

Date of Decision : 07-03-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151, Order 22 Rule 1, Order 22 Rule 2

Citation : (2023) 03 DEL CK 0037

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Puneet Mittal, Abhiesumat Gupta, Sakshi Mehendiratta, Mohit Chandras, Varnika, Siddharth Saxena, Atul Kumar

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

CM APPL. 11183/2023 (under Section 151 CPC)

1. The present is an application under Section 151 CPC for exemption from filing the legible, certified and typed copies of the annexures.

2. Allowed, subject to just exceptions.

3. Application is disposed of.

CM APPL. 11184/2023 (under Order XXXII Rule 1 and 2 read with Section 151 CPC)

4. The present is an application on behalf of the petitioner under Order XXXII Rule 1 and 2 read with Section 151 CPC for filing the present petition through natural guardian, as the petitioner is a minor.

5. Application is allowed and Sh. Rajendra Prasad, father of the petitioner is allowed to be appointed as natural guardian of the petitioner in the present case.

6. Application is disposed of accordingly.

W.P.(C) 2881/2023 & CM APPL. 11182/2023

7. The present petition has been filed on behalf of the minor student taking the ongoing Class 12th Board Examinations for the academic session 2022-2023. By way of the present petition, prayer has been made to quash the letter dated 02.03.2023 issued by the respondent Nos. 1 and 2, by which the application of the petitioner for granting extra time for writing the Class 12 Board Examination has been rejected by the Central Board of Secondary Education (CBSE) on the ground that the said application was not uploaded by the school in due time.

8. It is the case on behalf of the petitioner that she has been diagnosed with Sensorineural Hearing Loss, which is 77% of hearing impairment in both the ears as per The Right of Person with Disability Act, 2016. It is submitted that as per the Rules of the CBSE, the petitioner is entitled for compensatory time for writing the examination. Thus, accordingly an application was given by the father of the petitioner to the Principal of the respondent No.3 School for availing of the compensatory time.

9. It is submitted that school duly sent a letter to the CBSE requesting to provide compensatory time to the petitioner. However, by the impugned letter dated 02.03.2023, CBSE in violation of its own guidelines and circular dated 12.04.2019 has rejected the application of the petitioner.

10. Issue notice. Notice is accepted by Id. counsel appearing for respondent Nos. 1 and 2. Mr. Atul Kumar,

11. Id. counsel for respondent Nos. 1 and 2 at the outset submits that the impugned letter dated 02.03.2023 was issued by the CBSE thereby rejecting the case of the petitioner only on technical grounds. He submits that considering the facts and circumstances of the case, the present writ petition may be treated as representation by the CBSE, which shall be considered by the CBSE.

12. Considering the submissions made before this Court, it is directed that present writ petition shall be considered as a representation by the CBSE. The CBSE shall consider the genuine request of the petitioner for compensatory time for the purposes of writing the Class 12th Board Examinations in the light of its guidelines and circular in this regard. It is further directed that technical objection with respect to delay in making the application before the CBSE shall not be an impediment for considering the case of the petitioner on merits, as per the policy of the CBSE.

13. It is further directed that representation of the petitioner shall be decided by the CBSE on or before 10.03.2023, considering the fact that the next board exam for which the petitioner has to sit is scheduled to be held on 11.03.2023.

14. With the aforesaid directions, the present writ petition is disposed of.