
(2023) 03 DEL CK 0165

In the Delhi High Court

Case No : Civil Writ Petition No. 3582 Of 2023, Civil Miscellaneous Application
No. 13869 Of 2023

Deepak Gupta

APPELLANT

Vs

Regional Director Cbse & Ors

RESPONDENT

Date of Decision : 23-03-2023

Acts Referred:

Citation : (2023) 03 DEL CK 0165

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Abhishek Parmar, Nancy Mahto, Atul Kumar, Yashmeet Kaur

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petition has been filed with prayer for directions to respondent no. 1 to 5 to approve the request of petitioner for appointment of scribe and provide extra time to the daughter of the petitioner who is undergoing Class 12th exams that are underway at present.
2. Pursuant to the notice issued, Dr. Sanyam Bhardwaj, Controller of Examinations, CBSE is present today.
3. Ms. Yashmeet Kaur, Advocate appears on behalf of the school and Dr. R. Paul, who is treating the daughter of the petitioner has appeared through VC.
4. Dr. R. Paul has categorically submitted that the daughter of the petitioner is suffering from psychosomatic disorder. He submits that in the said disorder, the muscles go in spasm. He submits that the daughter of the petitioner is under his treatment for the last 5 months.
5. Learned Counsel for the respondent school submits that the school is ready to abide by the directions of this Court and also provide a scribe to the daughter of the petitioner for writing her examinations.

6. Dr. Sanyam Bhardwaj, Controller of Examinations, CBSE, submits that the CBSE is providing various concessions to the students with respect to providing of a scribe or extra time for writing exams, in cases where medical condition of the student in question so demands. However, he submits that in the present case, no such requirement is there.

7. I have heard all the parties.

8. When the matter was listed yesterday, this Court was shown video of the girl student showing that the girl had no control over her muscles and her limbs, when her condition aggravated.

9. This Court has also seen the certificate dated 14.03.2023 issued by Dr. Rakesh Agrawal, Neurologist in Indraprastha Apollo Hospital.

10. Learned counsel for the petitioner had handed over various report cards of the girl student in question, which show that she is a bright student and has been doing extremely well in her school. I have perused the original report cards and the certificates issued by the CBSE, which clearly show that the student in question is a bright student.

11. After hearing all the parties and considering the medical condition of the girl student, it is deemed expedient that the student in question is provided with a scribe for writing her Class 12th board examinations, which are now to be held on 25.03.2023 and 31.03.2023.

12. This Court has also perused the guidelines of the CBSE which enlist various medical conditions wherein special treatment is given by the CBSE to such students by providing scribe and extra time for writing examinations. The various medical conditions include Muscular Dystrophy as well as neurological conditions.

13. In the present case, having considered the reports of the doctors on record and the submission on behalf of Dr. R. Paul, who has appeared through VC, it is clear that the girl student has a neurological condition and that she has problem with respect to her locomotive movements, when her condition aggravates, which as per the doctor treating the student is a psychosomatic disorder, which affects the muscles in the body.

14. Considering the aforesaid, this Court directs that the daughter of the petitioner shall be provided with a scribe. Directions in this regard may be issued by the CBSE to the school in question so that the school can make necessary arrangements for providing a scribe to the daughter of the petitioner for writing her Class 12th Board exams which are now next to be held on 25.03.2023 and 31.03.2023.

15. Further, the daughter of the petitioner shall also be entitled to extra time as per CBSE Rules. Dr. Sanyam Bhardwaj, Controller of Examinations, CBSE, who is present in Court submits that 20 minutes extra is given per hour of the examination to the students owing to the medical conditions. In view thereof,

similar concession shall be given to the daughter of the petitioner for writing her examinations.

16. In case the daughter of the petitioner takes any compartment/improvement exam as per the Rules of the CBSE in future, similar concession shall be provided to the daughter of the petitioner on the recommendation of the Doctor at that point of time.

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

18. Dasti under signatures of the Court Master.