

(1997) 08 DEL CK 0032

In the Delhi High Court

Case No : Civil Writ Petition No. 880 of 1990

Payal Jain

APPELLANT

Vs

Central Board of Secondary Education and Another

RESPONDENT

Date of Decision : 27-08-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 70 DLT 80

Hon'ble Judges : Cyriac Joseph, J

Bench : Single Bench

Advocate : R.P. Bansal, Pardeep Nandrajog and Anil Kumar, for the Appellant;

Judgement

Cyriac Joseph, J.

(1) The petitioner filed this writ petition for a direction to respondents, namely, the Central Board of Secondary Education and the Principal, Happy School, Padam Chand Marg, Daryaganj, New Delhi to allow the petitioner to appear in Class Xii examination which commenced on 2nd March, 1996. Since admit card had been denied to the petitioner on the ground of shortage of attendance, the petitioner also prayed for a direction to respondent No. 1, Cbse to condone the shortage of attendance and to issue admit card. The stand taken by respondent No. 1 in the counter affidavit is that the petitioner had only less than 60 per cent attendance, that the maximum condensation permissible is up to 15 per cent and that even if the full benefit of condensation is given, the petitioner cannot satisfy the requirement of attendance.

(2) Admittedly, the second respondent had written a letter dated 23rd February, 1996 to respondent No. 1 informing that the school had conducted extra classes of two hours duration each beyond the normal school hours, on all working days during October-December, 1995 and that the petitioner had attended those extra classes regularly. Taking into account the attendance of the petitioner in the extra classes, the second respondent further stated in the said" letter dated 23rd

February, 1996 that the petitioner had secured 60 percent attendance. The second respondent had also requested respondent No. 1 to issue admit card to the petitioner taking a sympathetic view, if the attendance in the extra classes also was taken into account and if respondent No. 1 extended the full benefit of condensation permissible under the Rules, the petitioner would have been eligible to appear in.