

(2020) 07 DEL CK 0108

In the Delhi High Court

Case No : Civil Writ Petition No. 4403 Of 2020, Civil Miscellaneous Application
No. 15859, 15860 Of 2020

Sanyam Gupta

APPELLANT

Vs

Central Board Of Secondary Education

RESPONDENT

Date of Decision : 21-07-2020

Acts Referred:

Citation : (2020) 07 DEL CK 0108

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Rishi Bansal, Amit Bansal, Seema Dolo

Judgement

Prathiba M. Singh, J

1. This hearing has been done by video conferencing.
2. The present petition has been filed by the Petitioner who has appeared in the Class XIIth improvement examinations conducted by the CBSE in 2020.
3. The Petitioner had taken the Class XIIth exams in 2019-20 and had secured 95.25%. He wanted to improve his scores and decided to drop a year. He had applied to take improvement exams in four subjects i.e. English Core, Accountancy, Economics and Business Studies. However, the Business Studies exam, which was scheduled on 24th March, 2020, could not be held due to the COVID-19 lockdown. The grievance of the Petitioner is that despite three exams having been taken by him, the result of the said three improvement exams has not been declared by the CBSE.
4. Specific reliance is placed on the order dated 26th June, 2020 of the Supreme Court, as per which, the results were to be declared by 15th July,

2020. The relevant portion of the order is extracted below:

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3. After perusing the same and taking into account the suggestions given by the counsel appearing for the concerned parties, we see no

difficulty in permitting the CBSE to issue the said notification forthwith. The draft notification reads thus:

NOTIFICATION

Keeping in view the requests received from various State Governments and the changed circumstances as on date, following has been

decided:-

1. Examinations for classes X and XII which were scheduled from 1st July to 15th, 2020 stand cancelled.

2. Assessment of the performance of students in the cancelled examinations will be done based on the assessment scheme as suggested by

competent committee of the CBSE for declaration of result for both class-X and class-XII. The said scheme is mentioned in Para-7 below.

3. Results based upon the aforesaid assessment scheme will be declared by 15th July, 2020 so that candidates can apply and seek

admissions in Higher Education Institutions in India and abroad, based thereon.

4. However, for Class-XII, CBSE will conduct an optional examination in the subjects whose examinations were scheduled to be conducted

from 1st July to 15th July, 2020 as soon as conditions are conducive, as assessed and decided by the Central Government. Candidates

whose results will be declared based on the assessment scheme will be allowed to appear in these optional examinations to improve their

performance, if they wish so. However, the marks obtained by a candidate in these optional examinations will be treated as final for those

who have opted to take these examinations.

5. For candidates in Class X, no further examinations will be conducted and the result declared by CBSE on the basis of assessment scheme

will be treated as final.

6. For class-XII, the result declared by the CBSE under Sl. No. (2) above will be considered as final unless the students opt for Sl. No. (4)

above.

7. Assessment Scheme:-

(a) For the students of both classes-X and XII, who have completed all their examinations, their results will be declared based on their performance in the examinations.

(b) For students who have appeared in the examinations in more than 3 subjects, the average of the marks obtained in best three performing subjects will be awarded in the subjects whose examinations have not been conducted.

(c) For students who have appeared in the examinations in only 3 subjects, the average of the marks obtained in the best two performing

subjects will be awarded in the subjects whose examinations have not been conducted. (d) There are very few students of class-XII, mainly

from Delhi, who have appeared in the examinations in only 1 or 2 subjects. Their results will be declared based on performance in the

appeared subjects and performance in internal/practical project assessment. These students will also be allowed to appear in the optional

examinations conducted by CBSE to improve their performance, if they desire to do so. Result of these students will also be declared along

with other students.

4. Resultantly, all these petitions pertaining to CBSE examinations pending in this Court or any other Court shall be deemed to be disposed

of in terms of the proposed notification to be issued by the CBSE. â??

5. Mr. Amit Bansal, Id. counsel for CBSE does not dispute the above position. He however submits that the results of all the regular students

appearing for the CBSE examinations have already been declared. Only the results of students appearing for the improvement exams is yet to be

declared. He has sought instructions from the CBSE and has informed the Court that the results for the improvement exams would be declared before

27th July, 2020.

6. Mr. Manchanda, Id. counsel for the Petitioner expresses two concerns. One, that the Petitioner needs to update his registration with the University

of Delhi where he intends to pursue his Undergraduate studies and secondly, that the deadline for applying for re-evaluation, as fixed by the CBSE,

ends today.

7. In response, Mr. Bansal, Id. counsel submits that in the case of those students whose results have been declared late, the deadline for applying for re-evaluation would accordingly be extended.
8. List on 27th July, 2020 for reporting compliance.