



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4452 of 2025
Reserved on: 15.07.2025
Decided on: 30.07.2025

Yashaswini Aggarwal	... Petitioner
Versus	
Himachal Pradesh Board of School Education & others	... Respondents

Coram
Hon’ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?¹Yes

For the petitioner	:	M/s Hirdaya Ram and Suresh Singh Saini, Advocates.
For the respondents	:	Mr. Chander Shekhar, Advocate, for respondent No.1. Mr. Rahul Thakur, Deputy Advocate General, for respondents No.2&3-State.

Ajay Mohan Goel, Judge

By way of this writ petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

- “(i) To quash and set-aside the impugned merit certificate dated 07-05-2024 (Annexure P-5) which has been issued on the base of the old marks 686/700 (Annexure P-1) by the respondent No. 1 knowing it fully well that the petitioner has scored 693/700 marks (Annexure P-2) after revaluation which is due to carelessness on the part of the respondent No.1 failing to evaluate the Answer Book carefully.
- (ii) To place the petitioner at the appropriate place in the merit list of the Matriculation examination held in March 2024 by the respondent No.1 on the base of marks obtained by the petitioner after revaluation which has

¹ Whether reporters of the local papers may be allowed to see the judgment?

increased from 686/700 (Annexure P-1) to 693/700 (Annexure P-2) because the present merit certificate (Annexure P-5) has been issued on the base of the Annexure P-1 which is illegal, unjust and arbitrary.

(iii) To burden the respondent No. 1 with heavy cost for the reason that the petitioner has been harassed for no fault of the petitioner and that the petitioner, being a girl child of 15 years, has undergone the agony due to gross negligence on the part of the respondent No. 1.

(iv) To call for the records pertaining to the case at hand.

(v) Such other order, which this Hon'ble Court deems fit and proper, may also be passed in favour of the Petitioner in the interest of justice and fair play."

2. The case of the petitioner is that she appeared in the 10th class examination conducted by the respondent/Board in the month of March, 2024. When the result was declared, in terms of the marks-sheet (Annexure P-1) she was declared to have secured 686 marks out of 700. The result was declared on 07.05.2024. As the petitioner was not satisfied with her result, she applied for re-evaluation. Upon re-evaluation, her marks in terms of Annexure P-2 increased to 693 out of 700. Copy of the mark-sheet issued is appended with the petition as Annexure P-2, which was issued on 26.09.2024.

3. The grievance of the petitioner is that after the result of her re-evaluation, she requested the respondents to issue her a merit certificate which was issued to the top ten students who had scored the highest marks in the matriculation examination, so as to render

her eligible to receive scholarship etc., but the same was not being done. It was with this grievance that the petitioner approached this Court.

4. When the matter was listed in the Court on 24.04.2025, the following order was passed:-

“CMP No. 5297 of 2025

By way of this application, a prayer has been made for condonation of delay in refiling the petition after removal of the objections.

In the light of the averments made in the application, the same is allowed. Delay in refiling the petition is hereby condoned. Application stands disposed of.

CWP No. 4452 of 2025

Notice. Mr. Chander Shekhar Thakur, learned counsel and Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of respondent No.1 and 2, 3, respectively.

By way of this writ petition, the petitioner has approached this Court, feeling aggrieved by the fact that after the re-evaluation of her Matriculation papers, in which the petitioner bettered the original result, the Merit Certificate issued to the petitioner on the basis of the original mark-sheet is not being revised on the ground that the revision of Merit Certificate was possible if the earlier Certificate was submitted before 30.08.2024.

Learned counsel for the petitioner has submitted that as the original mark-sheet of the petitioner was with the school Authority, it was their responsibility to have had submitted the same and for their fault, the

petitioner cannot be made to suffer.

Be that as it may, this Court is of the considered view that once the marks of the petitioner have increased after re-evaluation, whether or not anyone approached the Authority for the purpose of issuance of a fresh Merit Certificate, it was incumbent upon the Authority itself to have had issued a fresh Merit Certificate, because the issuance of the Certificate is the domain the Authority which held the examination and declared the result. Therefore, prima facie non-issuance of a fresh Merit Certificate on the basis of the result of re-evaluation is bad in law.

In this backdrop, on the request of learned counsel appearing for respondent No.1, the case is ordered to be listed on 01.05.2025, to enable him to have instructions, in the matter.”

5. Thereafter, respondent No.1 filed a reply to the writ petition and in terms of this reply, it was mentioned that in order to be reflected in the merit list of the top ten candidates the documents of the students were required to be submitted before 30.08.2024, but the particulars of the petitioner were furnished by respondent No.3 on 09.09.2024, i.e. after 30.08.2024 and therefore, the needful could not be done, for which respondent No.1 was not at fault, but it was respondent No.3, the Head Mistress of the School of the school who was at fault.

6. Though, respondents No.2 and 3 have not filed any reply despite opportunity being granted by the Court and learned Deputy Advocate General made a statement on 15.07.2025 that the

respondent did not intend to file any reply, instructions were imparted to learned Deputy Advocate General, dated 20.06.2024, which have been taken on record and which read as under:-

“To

*The Deputy Advocate General,
Himachal Pradesh.*

*Sub: Regarding CWP No. 4452/2025-titled as
Yashaswini Aggarwal VS. H.P Board of School
Education Dharamshala & Ors.*

Dear/Sir,

As per your office letter No. CWP-4452/2025-28472 O/O The Advocate General, State of Himachal Pradesh Shimla Dated 21/26-05-2025. Please find enclose herewith the regarding this case, It is informed that Smt. Usha Rani Headmistress has retired from Government Girls High School on dated 29-03-2025. As our School has applied on the behalf of parents for reevaluation The application was given by the parents regarding providing 10th class mark sheet. And the school sent it to the secretary HPBOSE through our office letter along with the parents' letter. Our School office applied it with their letter for new 10th mark sheet after candidate increasing marks after reevaluation by the undersigned smt. Usha Rani Retired Headmistress Government Girls High School. This information is being sent to your office for further action.

*Headmaster
Govt. Girls High School, DADAHU
Teh. Nahan, Sirmour H.P”*

7. I have heard learned counsel for the parties and have also carefully gone through the record of the case.

8. It is not in dispute that the petitioner after her result stood re-evaluated ranked amongst the top ten most meritorious candidates who appeared in the matriculation examination conducted in the month of March, 2024. The petitioner has been denied the merit certificate only because her documents were not received by the respondent-Board before 30.08.2024.

9. This Court fails to understand as to how respondent No.1 could have shirked off its responsibility so easily, as has been done in the present case, by shifting the entire blame on the other respondents.

10. As it is the respondent-Board that conducts the examination and declares the result, obviously onus is upon it to scrutinize as to who are the ten top most meritorious candidates that are to be reflected in the merit list including the stage post re-evaluation. This onus cannot be shifted by the Board to other respondents like the Head Master or the Head Mistress of the School, as is being tried to be done in the present case.

11. The petitioner cannot be denied the merit certificate arbitrarily just on the grounds as are propagated by the respondent-Board in its reply. The meritorious students do not deserve such treatment. Rather than rewarding her excellence, the respondent-Board has forced her to knock the doors of justice which is not appreciated.

12. As it is a matter of record that the marks of the

petitioner were substantively enhanced in the re-evaluation and on the face of it, the petitioner is a highly meritorious candidate, for the acts of omission and commission of the respondents, she cannot be made to suffer.

13. Accordingly, this writ petition is allowed and the respondent-Board is directed to include the name of the petitioner in the merit list of the top ten most meritorious candidates who scored the maximum marks in the matriculation examination held in the month of March, 2024. All the benefits which are accruable to the petitioner as a result thereof including scholarship etc., be conferred upon her. However, it is clarified that in case, the respondent-Board has already issued a list of ten meritorious candidates, then none of the said candidates or the candidates below the petitioner in merit in the said declared list shall be disturbed and benefits conferred upon them will not also be disturbed in any manner. Cost of Rs.25,000/- is also imposed upon respondent No.1, which shall be paid to the petitioner within a period of four weeks from today. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

July 30, 2025
(Rishi)