



\$~56

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2841/2024

MS. KANISHKA (THROUGH
MRS. SANTOSH (MOTHER)

..... Petitioner

Through: Mr. Sahil Mongia, Mr. Shahil
Rao, Mr. Abhishek Yadav, Mr. Rahul Yadav
and Ms. Divya Sharma, Advs.

versus

CENTRAL BOARD OF SECONDARY
EDUCATION & ORS

..... Respondents

Through: Mr. Atul Kumar, Advocate for
R1 & R2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

%

26.02.2024

1. By an order separately passed today, in view of the urgency of the matter, the petitioner in this case has been allowed to appear in the Class X examinations conducted by the Central Board of Secondary Education (CBSE).

2. This order contains the reasons for the said decision.

3. The petitioner is a private girl candidate undertaking Class X examinations conducted by the CBSE. Notice dated 5 September 2023 issued by the CBSE, governing such candidates, requires the candidate to upload along with the application for appearing in the examination, the domicile certificate, certifying that the student is a



resident of Delhi.

4. This requirement, I have been informed in other similar cases, was introduced for the first time this year. Many students who desired to apply for the examination were, therefore, unaware of the requirement of uploading a domicile certificate till the issuance of the notice by the CBSE on 5 September 2023.

5. Be that as it may, learned counsel for the petitioner submits, the petitioner uploaded her application form for appearing in the Class X examination on the website of the CBSE on 3 October 2023. Unfortunately, she did not have a domicile certificate with her at that time. She applied for her domicile certificate in December 2023. The certificate was actually obtained by her on 24 January 2024. As the certificate could not at that stage be uploaded on the website of the CBSE, the petitioner physically submitted the certificate to the CBSE on 31 January 2024. She was issued an admit card, permitting her to appear in the examination on 15 February 2024. On the basis of the said admit card, the petitioner has undertaken the first paper of her Class X examination on 21 February 2024. She has, however, been stopped at the entrance of the Examination Hall this morning and has not been permitted to enter and undertake her second paper.

6. This is completely unacceptable. The CBSE is expected to be vigilant regarding the entitlement of the students to appear in the examination. After issuing the admit card, stopping the student from entering the examination hall is unthinkable. The CBSE has no right, whatsoever, to do so. It is inhuman to first issue an admit card to a



student, and when the student appears for the examination, make her stand outside the Examination Hall. The mother of the petitioner who is present in Court is in tears, but that is quite another matter.

7. The student will forthwith be entitled to undertake the examination. She will also be given extension of time for completing the paper to compensate the time for which she has had to wait outside the Examination Hall without undertaking the examination so that she is provided the same time to complete the paper as all other students.

8. It is further made clear that if any other candidate that has been thus held up outside the Examination Hall for want of uploading the domicile certificate in time, all such students will be entitled to enter the Examination Hall and undertake the examination with extension of time as noted above.

9. Needless to say, this would be subject to the outcome of the present writ petition. The permission to undertake the examination shall also be extended to the remaining papers which the students have to undertake.

10. Issue notice, in the writ petition, to show cause as to why rule *nisi* be not issued.

11. Notice is accepted on behalf of Respondent 1 and 2/CBSE by Mr. Atul Kumar.

12. Counter-affidavit, if any, be filed within two weeks with an



advance copy to learned counsel for the petitioner who may file rejoinder thereto, within two weeks thereof.

13. Renotify for hearing and disposal on 1 April 2024.

14. Copy of this order be given *dasti* to the learned Counsel for the parties under the signature of the Court Master.

C.HARI SHANKAR, J

FEBRUARY 26, 2024

yg

Click here to check corrigendum, if any