

ITEM NO.21 Court 7 (Video Conferencing) SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11651/2021

(Arising out of impugned final judgment and order dated 08-03-2021 in LPA No. 1341/2019 passed by the High Court Of Judicature At Patna)

THE CENTRAL BOARD OF SECONDARY EDUCATION & ANR. Petitioner(s)

VERSUS

KESHAV NARAYAN & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.90182/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 06-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Rupesh Kumar, AOR
 Mr. Rajeev Sharma, Adv.
 Ms. Neelam Sharma, Adv.
 Ms. Pankhuri Shrivastava, Adv.
 Mr. Pravesh Bahuguna, Adv.
 Mr. Alekshendra Sharma, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioners has drawn our attention to the modalities and schedule for Senior School Certificate (Class XII) examination, verification of marks, obtaining photo copy of evaluated answer books and re-valuation dated 02.05.2019. The Circular envisages in the first stage, the requirement to

submit a fee for verification of marks and the result thereof is uploaded on the CBSC website. Such of the candidates who apply for verification of marks would be eligible to obtain photo copy of answer books in terms of para (I) (c) read with (II).

The right to re-evaluation under the circular is triggered off only as per (III) which reads as under :

“(a) Only those candidates who have applied for obtaining the photocopy of the evaluated answer book shall be eligible to apply for re-evaluation or challenge the marks awarded to any question(s)”.

In the conspectus of the aforesaid, learned counsel for the petitioners submits that the petitioners did not obtain a photo copy of the evaluated answer books and thus there was no question of any right of evaluation of the answer books. He further submits that though the respondent No.1 is aggrieved by the marks he obtained in Mathematics, the marks for the 2020 main examination also shows that he had obtained compartment in Mathematics and had not performed well in Physics and Chemistry. The learned single Judge have taken note of this aspect but states that re-evaluation should be allowed which aspect has been affirmed by the Division

Bench without recognizing the procedure which mandates that a candidate must first obtain the answer books and if on perusal of the same is still unsatisfied, apply for re-evaluation.

Learned counsel also submits that 33 lakhs candidates take the examination and if this process is not followed strictly, the re-evaluation process itself will become unworkable.

Issue notice returnable on 31.08.2021.

Dasti as well.

In the meantime there shall be stay of the operation of the impugned orders.

A copy of the order to accompany the notice.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)