

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(S)(CIVIL) NO(S). 566/2020

AMIT BATHLA & ORS.

PETITIONER(S)

VERSUS

CENTRAL BOARD OF
SECONDARY EDUCATION & ANR.

RESPONDENT(S)

WITH

WRIT PETITION (C) NO.584/2020

WRIT PETITION (C) NO.590/2020

WRIT PETITION (C) NO.596/2020

WRIT PETITION (C) NO.583/2020

TRANSFER PETITION (C) NO.674/2020

O R D E R

1. The core issue involved in these matters is about conducting examinations for classes X and XII of the Central Board of Secondary Education (CBSE) and the Indian Certificate of Secondary Education (ICSE) respectively.

2. As regards CBSE examinations, the CBSE has presented a draft notification for our consideration.

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.

5. Accordingly, if any other petition is pending in this Court or any other Court concerning the subject of conducting examinations for Classes X and XII by the CBSE scheduled from 1st July, 2020 to 15th July, 2020, the same will be governed by this order and the notification approved by this Court.

6. As regards ICSE, the counsel appearing for the said Board, on instructions, stated that ICSE in principle would issue similar notification with additional aspects referred to in the

affidavit filed by them. To wit, paragraph 6 of the affidavit reads thus:

"6. In the light of the aforesaid, the Respondent has taken the following decisions with regard to the ICSE (Class 10) and ISC (Class 12) Year 2020 Examinations:

i) The remaining papers in the ICSE and ISC Year 2020 Examinations as scheduled from 1st July to 14th July 2020 as per press release/notification dated 22.05.2020 shall stand cancelled.

ii) Results of all the candidates for the remaining papers in the ICSE and ISC Year 2020 Examinations will be declared as per methodology decided and adopted by Respondent i.e. CISCE.

iii) If the situation is deemed conducive, in the near future, CISCE may give an option to candidates to write any or all of the remaining papers of the ICSE/ISC Year 2020 Examinations at a later date whereby the marks so obtained by the candidate in that written examination(s) shall be considered as their final marks."

7. Two aspects have been highlighted during the hearing by the counsel for the ICSE, as follows:

(i) ICSE may consider of conducting optional examination for Class X as well and abide by the same terms as regards the optional examination regarding Class XII referred to in the draft notification of CBSE, reproduced above.

(ii) The Assessment Scheme of ICSE is different, which would be notified within one week from today on the website of the ICSE.

Rest of the stipulations in the draft notification of CBSE, referred to above, are acceptable to ICSE in principle, which would be reflected in the proposed notification to be issued by the ICSE in that behalf.

8. In terms of this order, all proceedings/petitions pertaining to the subject matter of conducting examinations for classes X and XII by ICSE for Academic Year 2019-2020 pending in this Court or any other Court shall be governed by this order and deemed to be disposed of accordingly.

9. We make it clear that this order does not deal with any other issue which may arise for consideration in some other proceedings pending before the High court or this Court except the subject matter of conducting examinations for classes X and XII for Academic Year 2019-2020 by the CBSE and ICSE respectively.

10. The writ petitions, transfer petition and pending applications shall stand disposed of in the above terms.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

....., J.
(SANJIV KHANNA)

NEW DELHI
JUNE 26, 2020.

***REVISED**

ITEM NO.1+2+3 Virtual Court 2 SECTIONS X/PIL(W)/XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 566/2020

AMIT BATHLA & ORS.

Petitioner(s)

VERSUS

CENTRAL BOARD OF SECONDARY EDUCATION & ANR.

Respondent(s)

(FOR ADMISSION IA No. 54475/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 54492/2020 - EXEMPTION FROM PAYING COURT FEE, IA No.
57064/2020 - INTERVENTION/IMPLEADMENT, IA No. 54473/2020 - STAY
APPLICATION)

WITH

W.P.(C) No. 584/2020 (X)
IA No. 56068/2020 - EX-PARTE STAY
IA No. 56070/2020 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 590/2020 (X)
IA No. 56835/2020 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 596/2020 (PIL-W)
IA No. 56973/2020 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 583/2020 (X)
FOR ADMISSION and IA No.56005/2020-EXEMPTION FROM FILING AFFIDAVIT

Transfer Petition(s)(C) No(s).674/2020 (XVI-A)
(FOR ADMISSION and IA No.57356/2020-EX-PARTE STAY and IA
No.57357/2020-EXEMPTION FROM FILING AFFIDAVIT

Date : 26-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Rishi Malhotra, AOR

Mr. Ajay Bhargava, Adv.
Ms. Vanita Bhargava, AOR
Ms. Trishala Trivedi, Adv.

Mr. Sandeep Jindal, AOR

Mr. Siddharth, In-person
Mr. Rajat Sabu, Adv.

Mr. Mriganga Dutta, Adv.
Mr. P. S. Sudheer, AOR
Ms. Shruti Jose, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, AOR
Mr. Shoumendu Mukherji, Adv.
Ms. Maitrayee Banerjee, Adv.
Mr. Pravar Veer Misra, Adv.
Mr. Vageesh Sharma, Adv.

For Respondent(s)

Mr. Tushar Mehta, S.G.
Mr. Rupesh Kumar, AOR
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.

Mr. Tushar Mehta, S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.

Mr. Rupesh Kumar, AOR
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, AOR
Mr. Shoumendu Mukherji, Adv.
Ms. Maitrayee Banerjee, Adv.
Mr. Pravar Veer Misra, Adv.
Mr. Vageesh Sharma, Adv.

Mr. Mathews J. Nedumpara, Adv.
Ms. Manju Jetley, AOR

Mr. Rahul G. Tanwani, Adv.
Mr. Anantha Narayana M.G., AOR

Mr. Yuvraj P. Narvankar, Adv.
Mr. Anand Dilip Landge, AOR

*Mr. Karl Tomboly, Adv.
Mr. Malcolm Sigantoria, Adv.
Mr. Debmalya Banerjee, Adv.
Mr. A.S. Aman, adv.
Mr. Kartik Bhatnagar, Adv.
Mr. Rohan Sharma, adv.

Mr. Ujjwal Singh, Adv.
Mr. Vardaan Wanchoo, Adv.
For M/s. Karanjawala & Co.

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

The writ petitions, transfer petition and pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)

* (For the purpose of appearance)

ITEM NO.1+2+3 Virtual Court 2 SECTIONS X/PIL(W)/XVI-A

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Mr. P. S. Sudheer, AOR
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Mr. Shoumendu Mukherji, Adv.
Ms. Maitrayee Banerjee, Adv.
Mr. Pravar Veer Misra, Adv.
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Mr. Rupesh Kumar, AOR
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Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.

Mr. Tushar Mehta, S.G.
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