



\$~61

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

+ W.P.(C) 4360/2025

MASTER NITESH BADHAN THROUGH HIS FATHER OM
PARKASH

.....Petitioner

Through: Mr. Pratyaksh Sikodia and Mr.
Shaurya Katoch, Advs.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: R-2 (appearance not given).

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

07.04.2025

1. The present petition has been filed under Article 226 of the Constitution of India seeking the following relief:

A. Allow the present petition;

B. Direct the Respondent No. 2 to rectify the discrepancy in offline marks in accordance with the marks published online, so the Petitioner is not barred from Commerce Stream in Class XI;

C. Direct Respondent No. 3 to ensure that the Petitioner is not barred from appearing in his Class XI final examination; and/ or

2. The learned counsel for the petitioner submits that the petitioner had appeared for the Secondary Examination i.e., Class X in February-March 2023, the result of Class X was declared on 12.05.2023. However, the petitioner appeared for the CBSE-Secondary School Supplementary Education for mathematics and science on 17.07.2023 and 20.07.2023, respectively.

3. According to the learned counsel, on 05.08.2023, the CBSE published petitioner's results on internet, which showed that the petitioner scored 45



marks out of 70 (in theory) in Mathematics and 53 out of 70 (in theory) in Science. He submits that when the petitioner received his official marksheet from Atal Adarsh Vidyalaya/respondent no.3, it shows significantly lower marks in the online results.

4. He submits that on the basis of marks which were shown online, the petitioner was given the commerce stream in Class XI.

5. He further contends that the petitioner could not pass in Class XI in the exams conducted in March 2024, however, now the petitioner has qualified Class XI but the school is insisting that since his marks in Class X were significantly less, therefore, he cannot continue in the commerce stream.

6. In view of the above, issue notice.

7. The learned counsel for the respondent no.2/CBSE accepts notice. He submits that the present petition suffers from delay and latches.

8. He submits that the CBSE had declared the results of the petitioner of Class X in August 2023 and thereafter, the petitioner was given admission in Class XI by the school. On instructions, he further submits that which stream is to be allotted to the petitioner on the basis of marks secured by the petitioner is an internal matter of the school and it is not the CBSE's concern.

9. On petitioner taking steps, let notice be issued to the respondent no.3, by all permissible modes, returnable on 19.05.2025.

VIKAS MAHAJAN, J

APRIL 7, 2025/dss