



ORISSA HIGH COURT : CUTTACK

WP(C) No.37316 of 2025

An application under Articles 226 & 227 of the Constitution of India.

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Miss. Preeti Snigdha Priyadarsini Meher (Minor) represented through its father guardian, Sri Sahadev Meher.

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Petitioner.

-VERSUS-

Central Board of Secondary Education, New Delhi represented through its Chairman, CBSE Integrated Office Complex, New Delhi & Others

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Opposite Parties.

Counsel appeared for the parties:

For the Petitioner : Mr. Kunal Kumar Swain, Advocate

For the Opposite Parties : Mr. T. Pattanayak, Adv.
(For the CBSE)

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**



Date of Hearing : 17.03.2026 :: Date of Judgment : 20.03.2026

JUDGMENT

ANANDA CHANDRA BEHERA, J.—

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing the impugned Order dated 26.05.2025 (Annexure-2 series) issued by the Central Board of Secondary Education, Regional Office, Bhubaneswar and for issuance of necessary directions to the Opp. Parties to publish the result of the petitioner, in respect of her Senior School Certificate Examination, 2025 (Class-XII) within a stipulated time and to pass such other order/orders or direction/directions as the Courts deems fit and proper in order to give complete relief to the petitioner.

2. The case of the petitioner is that, she (petitioner) was a regular student of Class-XII of Zenith Lions Gurukul, Padampur in the District of Bargarh. He (petitioner) appeared her Senior School Certificate Examination, 2025 (Class-XII) under the Central Board of Secondary Education in Padampur Public School in the District of Bargarh as a regular student



on the basis of the admit card vide Annexure-1 issued to her by the CBSE (Opp. Party No.1). Though, in the said examination, she (petitioner) had done extremely well, but her result in the website was published on dated 13.05.2025 reflecting as R.L. (Result Later) and no marks were awarded to her in any paper. Subsequent thereto, the Regional Director, Central Board of Secondary Education, Regional Office, Bhubaneswar issued official order dated 26.05.2025 in respect of various examinations centres, in which the petitioner result was shown as UFM (Unfair Means) as in respect of two papers i.e. English (Subject Code:301) and Chemistry (Sbuject Code:043), she found to have adopted unfair means assigning the reasons in the said order that, *same wrong answer of question No.2 in set 2 in several adjacent students and found the same pattern, structure, vocabulary and content at question Nos.9 to 13 .*

3. To which, the petitioner challenged by filing this Writ Petition praying for quashing the Annexure-2 series and to publish her result taking various grounds.



4. As per the writ petition of the petitioner, though, the result of almost all candidates of the same centre has been published, except few like the petitioner and the result of the petitioner has been cancelled by the Opp. Parties clandestinely taking a discriminating attitude towards her (petitioner), for which, the above order dated 26.05.2025 (Annexure-2 series), i.e. the cancellation of the entire result of the petitioner alleging malpractice in two subjects i.e. Chemistry and English Core on the ground of giving similar answers in most of the questions along with MCQs with adjacent students of that centre cannot be sustainable under law.

5. I have already heard from the learned counsel for the petitioner and learned counsel Mr. T. Pattanayak for the Opp. Parties.

6. As per the rival submissions of the learned counsels of both the sides on the basis of the writ petition, the crux of this writ petition is that,

“whether the impugned order dated 26.05.2025

Annexure-2 series issued by the C.B.S.E., Regional



Office, Bhubaneswar (Opp. Party No.2) regarding the cancellation of the result of Senior School Certificate Examination, 2025 (Class-XII) of the petitioner alleging her indulgence in adopting unfair means during examination in two subjects i.e. Chemistry & English giving similar answers in some questions thereof with other students in the same centre is sustainable under law?”

7. It is the undisputed case of the parties that,

“neither the centre, in which the petitioner was appearing examination was scratched on the ground of mal practice nor there was any report from the principal, centre superintendent, invigilators or any flying squad about any mal practice by any students including the petitioner in the said centre or any incriminating material was found from the possession of the petitioner or from the examination hall.

The result of Senior School Certificate Examination, 2025 (Class-XII) of the said centre, in which, the petitioner was appearing has not been cancelled except the petitioner along with some other few students, but the result of all other students were duly published. Much after the evaluation of the answer sheets of the petitioner, the final result of the petitioner was cancelled stating about the similarity in answers in some multiple choice questions in Chemistry and English subjects with other students of that centre.”



8. When the CBSE (Opp. Party No.1) published the final result of all the students of the same examination centre except the petitioner and some other few students, then, at this juncture, the Opp. Party Nos.1 and 2 should not have cancelled the result of the petitioner alleging adoption of malpractice against her in respect of two subject as indicated in Annexure-2 series on the basis of inferences, surmises and conjectures without any direct evidence/material.

So, the above conduct of the Opp. Party Nos.1 and 2 in publishing the final result of all the students except the petitioner along with some other few students without any direct evidence or material is not free from discrimination, which is ultimately affecting the right to equality of the petitioner guaranteed under Article 14 of the Constitution of India, 1950.

When there is no authentic/concrete legal proof before the Opp. Party Nos.1 and 2 to reach in a definite conclusion that, the petitioner had adopted malpractice during examination in respect of some answers in two subjects indicated in Annexure-2, then, at this juncture, the



cancellation of the result of the petitioner in Annexure-2 series is on presumption, conjunctures and surmises without any legal basis.

On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:

(A) In a case between **Board of Secondary Education, Orissa, Cuttack Vs. Gayatri Hota and Others reported in 2001 (I) OLR 398** that, malpractice in examination and cancellation of results—Results of some examinees were withheld for taking recourse of malpractice in examination—Out of them some were exonerated and the result of the petitioners were cancelled as decided by the examination committee—Neither the centre superintendent nor or from any other quarter, there was complaint of malpractice. There was possibility of some similarity in answers as the questions were objective in nature and those were short questions. On the basis of suspicion, a positive decision cannot be arrived at.

(B) In a case between **Rajesh Kumar and Another Vs. The Institute of Engineers (India) decided in Civil Appeal No.5057 of 1997 (SC) on 25.07.1997** that, results of some candidates withheld for adopting unfair means and malpractices in the examinations. Explanations of examinees not accepted—Results of the said examinees cancelled—Suit by two of the said examinees before Civil Court—When the matter came before the High Court, it directed the Institute to redecide the matter—This time the Institute adopted a new technique to test the ability of the examinees and decided the matter against them—Held, the orders of the Institute in cancelling the results of the appellants' examinations and disqualifying them for two succeeding examinations were in access of



jurisdiction and are quashed. The Institute should declare the result of the examinees forthwith.

(C) In a case between **Chairman, J & K State Board of Education Vrs. Feyaz Ahmed Malik & Others reported in AIR 2000 SC 1039** that, matters concerning campus discipline of educational institutions and conduct of examinations, the duty is primarily vested in the authorities in-charge of the institution, and in such matters Court should not try to substitute its own views in place of the concerned authorities nor thrust its views on them.

(D) In a case between **Harish Chandra Tewari & others Vs. The Board of H.S. & Another reported in AIR 1981 (All.) 144** that, the Hon'ble Division Bench did not accept the charge of copying solely on the ground that, the answers of the true translation given by the examinees remarkably tallied with one another and also held that, similarity in some of the answers in the two answer books in question was not proper, there being no direct evidence that, any one observed the petitioner using unfair means during the course of the examination. Cancellation of result quashed.

(E) In the cases between **Basanta Kumar Pradhan & Others Vs. State of Orissa & Others reported in 2011 (1) OJR 868** that, there was allegation of malpractice—which was challenged before the High Court—Held, the examination committee should have sufficient materials to come to a conclusion that, there was malpractice and it cannot base their decisions on presumption, conjectures and surmises, as no incriminating materials were found from the possession of any particular student nor were found from the examination halls as would be from the report of the flying



squad. Held, the decisions of the Examination Committee to award '00' marks to the petitioner in History Paper-1 of Higher Secondary +2 Examination, 2009 cannot be sustained. (Para Nos.5 to 7)

9. Here in this matter at hand, when the result of the examination of all the students of the same centre, in which the petitioner had appeared has already been published in due time, but when the result of the petitioner along with some other few students has been cancelled on the ground of her indulgence in malpractice in some questions in two subjects during examination alleging similar answers with other students and when neither the principal nor the centre superintendent or the invigilators of the examination centre had alleged any allegation regarding adoption of any malpractice by the petitioner during examination and when as per law, the conduct of examinations is primarily vested in the authorities in charge of the institution at the time of conducting examination and when there was no allegation regarding the adoption of any malpractice by the petitioner during examination by the in-charge of the examination centre, who was vested with all powers and authorities to



conduct the examination, then, at this juncture, by applying the principles of law enunciated in the ratio of the aforesaid decisions, the cancellation of result of the Senior School Certificate Examination (Class-XII), 2025 of the petitioner on the basis of inference, presumptions, conjectures and surmises without any direct evidence or material is not sustainable under law.

Therefore, there is justification under law for making some interference particularly/specifically to the cancellation of the result of the petitioner in Sl. No.49 of Annexure-2 dated 26.05.2025 issued by the Central Board of Secondary Education, Regional Office, Bhubaneswar (Opp. Party No.2) through this writ petition filed by the petitioner. For which, the cancellation of the result of the petitioner specifically indicated in Sl. No.49 dated 26.05.2025 of Annexure-2 is liable to be quashed.

10. As such, there is some merit in the writ petition filed by the petitioner. The same is to be allowed in part.

The cancellation of the result of the petitioner (Preeti Snigdha Priyadarsini Meher) indicated in Sl. No.49 of the



impugned order dated 26.05.2025 in Annexure-2 issued by the Central Board of Secondary Education, Regional Office, Bhubaneswar (Opp. Party No.2) is quashed.

11. All the Opp. Parties are jointly and severally directed to publish the result of the Senior School Certificate Examination (Class-XII) of the petitioner 2025 within a week from the date of this Judgment and to communicate the result of the petitioner as well as its consequential certificates and mark sheets as per the rules immediately after publication of her result.

12. As such, this writ petition filed by the petitioner is disposed of finally.

(ANANDA CHANDRA BEHERA)
JUDGE

High Court of Orissa, Cuttack
The 20.03.2026// Rati Ranjan Nayak
Sr. Stenographer

Signature Not Verified

Digitally Signed
Signed by: RATI RANJAN NAYAK
Reason: Authentication
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