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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5536/2025

BIJOY KUMAR BISWAKARMA
ASSAMS/O LT BHIM BAHADUR BISWAKARMA R/O BANDERDEWA PO
PATHALIPAHAH PIN 784163 DIST LAKHIMPUR ASSAM

VERSUS

THE CENTRAL BOARD OF SECONDARY EDUCATION AND ORS
REP BY THE CHAIRMAN CENTRAL BOARD OF SECONDARY EDUCATION
INTEGRATED OFFICE COMPLEX SECTOR 23 DWARKA NEW DELHI 110077
2:THE REGIONAL OFFICER

CENTRAL BOARD OF SECONDARY EDUCATION
SHILPA GRAM ROAD NEAR SHANKARDEV KALAKHETRY PANJABARI
GUWAHATI 781037 KAMRUP M ASSAM

3:THE CONTROLLER OF EXAMINATION

CENTRAL BOARD OF SECONDARY EDUCATION SHILPA GRAM ROAD
NEAR SHANKARDEV KALAKHETRA PANJABARI GUWAHATI 37 KAMRUP
METRO ASSAM

4:THE PRINCIPAL

GYAN EDUCATION INSTITUTE KATHONI ROAD HARMUTTY PIN 784160
DIST LAKHIMPUR ASSA

Advocate for the Petitioner : MR. P HAZARIKA, MR. H S BORAH, MS. B THAKURIA
Advocate for the Respondent : SC, CBSE, MR. P K SAHARIA(R-4), MS K DAS(R-4), MR. N
SHARMA (R-4)

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 03.02.2026

Heard Mr. P. Hazarika, learned counsel for the petitioner. Also heard Ms. R. Bora, learned Standing Counsel, CBSC for the respondent Nos. 1, 2 and 3 and



Mr. N. Sharma, learned counsel for the respondent No.4.

[2.] The case of the petitioner is that his son appeared for the Secondary School Examination, 2025 comprising of five subjects, namely, English (Language and Literature), Hindi Course-B, Mathematics Basic, Science and Social Science. Upon receiving the mark-sheet, the petitioner found that his son had failed in science subject and was given Grade 'E'. The petitioner's son in the science subject scored 013 marks in theory and 018 in the Internal Assessment paper. The same added up to 031 marks only, whereas, 033 marks is the pass mark. The petitioner and his son not being satisfied applied for reevaluation of the science paper online as permissible under the relevant guidelines of Central Board of Secondary Education (CBSE). When the petitioner checked the verification status, there was a remark "mistake communicated" on subject 086, which is the code for the Science subject. The petitioner's son then received the verification/reevaluation of marks results dated 25.06.2025, wherein, his marks on the theory paper in the Science subject was upgraded to 15 marks instead of 13 marks given to him earlier. The petitioner's son was therefore graded as D2 in Science which is a grade given to a student who pass in the subject. Subsequently, when the petitioner's son downloaded the mark-sheet after the reevaluation was done, he was surprised to find that he now failed in Mathematics subject with his score as 13 marks in theory and 18 marks in the Internal Assessment with a total of 31 marks only. He was in fact earlier shown to have passed in Mathematics. In respect of science subject he was now shown to have scored a total 33 marks in both the theory and Internal Assessment when added together. Aggrieved with the same, the petitioner is before this Court.

[3.] The learned counsel for the petitioner submits that the petitioner and his

son had sought for reevaluation of marks of Science subject only, but the respondent authorities also reevaluated the marks given in Mathematics subject and deducted two marks therefrom and added the same in the Science subject. The action of the respondent authorities concerned not being in terms of the application submitted by the petitioner and his son, the same should be interfered with by this Court.

[4.] Ms. R. Bora, learned Standing Counsel, CBSC on the other hand submits that as per the guidelines followed by the CBSC, a student is entitled to 2(two) grace marks only and since the petitioner's son had already been given grace marks in the Mathematics subject, he is not entitled to be given grace marks in both the subjects. Therefore the grace marks given in Mathematics have been adjusted in the Science subject. In support of her submission, the learned Standing Counsel has referred to affidavit-in-opposition filed by the CBSC on 12.11.2025.

[5.] I have considered the submission made by the rival parties and I have perused the materials available on record. The issue to be decided is as to whether in reevaluating the marks given in Science paper, the respondent authority concerned can travel beyond the application for reevaluation and change the marks already given in Mathematics subject. Stand taken by the respondent CBSC in the affidavit-in-opposition filed by them at page 6 and 7 may be abstracted hereunder:

“After Re-evaluation/Verification: The candidate had applied for Verification in subject Science (086) and +1 mark was increased after the process of Verification. As per the new result, the candidate obtained (13+1)14 raw marks in theory, 18 Marks in Internal Assessment and was awarded 1 Grace mark so the final marks awarded was $33\{13+1 \text{ (increased in Verification)} + 18(IA) + 1G=33\}$, that make candidate declared pass in science (086), and the grace mark initially awarded in the subject Mathematics Basic (Code: 241) have been awarded in science. The fact is that as per policy of the Board, grace marks are

given to the subject where candidate can pass with the minimum marks. In first result, 02 grace marks were awarded to mathematics and then student secured 15 marks and finally student was declared pass in this subject, as his total marks becomes 33 out of 100. However, after verification, as 01 marks was in-creased, hence his actual marks in science become 14 and with 01 grace marks (i.e., minimum marks) students total marks $[13+1(\text{increased marks}) + 1(\text{grace mark}) + 18(\text{IA})] = 33$. Student has still 01 grace mark left but as by awarding 01 marks in maths as still the result is fail; hence student is declared passed in science & result of maths was changed to fail. The Board award the grace marks in that subject where minimum grace marks is needed to pass and hence overall result remains the same as Compartment.

It is also informed that even if 01 marks is added to science after verification, total marks will become $[13(\text{awarded marks}) + 01(\text{mark increase}) + 18(\text{IA}) = 32]$ i.e., student would failed in science. However, in the larger interest of student CBSE has framed policy which is assisting students for better utilization of grace marks."

[6.] From the above abstract, it may be seen that stand taken by respondent CBSC is that grace mark was initially awarded in the subject Mathematics and after verification of the Science subject, one mark was increased and hence the actual marks scored by the student in Science subject became 14 marks and with one grace marks he would be scoring 33 marks which is the pass mark. Accordingly, 33 marks were allotted to the student in Science subject. However, in doing so, they have deducted 2 marks from Mathematics subject making the student fail in Mathematics.

[7.] It may be seen that as per the communication sent to the son of the petitioner on 25.06.2025 (Annexure-7), the revised marks upon reevaluation in the Science subject in theory paper was 15 marks compared to 13 marks which he had scored earlier. Accordingly he was declared to have passed and graded as D2. There is no indication that two marks given to him were in the form of grace marks. Therefore, the stand taken by CBSC in their counter affidavit the



relevant part of which has already been extracted herein above cannot be accepted. Further, when the son of the petitioner had applied for reevaluation in the Science paper as per the relevant guidelines, it is not understood as to why, while making such reevaluation, marks have been deducted from the Mathematics paper. Besides, as already stated in the Communication dated 25.06.2025 by which the student was communicated about the deduction of the mistake in the allotment of marks in Science paper, there is no indication to show that 13 marks given to him earlier has been upgraded to 15 marks by giving him two extra grace marks. Therefore, the marks already given to the petitioner's son in respect of Mathematics cannot be changed in the manner that has been done without any application for reevaluation of marks in the Mathematics paper.

[8.] Accordingly, upon due consideration, this Court finds it fit to direct the respondent Nos. 1, 2 and 3 to reevaluate the marks given to the petitioner's son in respect of Science subject without making any changes in the Mathematics paper for which no application was submitted for reevaluation within a period of one month from the date of receipt of a certified copy of the order. The original marks allotted to the petitioner's son as per Annexure-3 would be the accepted mark-sheet which however would be subject to any changes that may be required to be done in respect of the Science subject after the reevaluation is carried out as directed hereinabove.

[9.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant