



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 5237/2025

Varshita Kanwar Rathod, D/o Bhupendra Singh Rathod, Aged About 16 Years 1 Month (Minor) Through Her Natural Guardian - Father Bhupendra Singh Rathore S/o Virendra Singh Rathore, Age 41 About Years, Resident Of Baghera, Ajmer, Rajasthan - 305415.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Secondary Education, Secretariat, Jaipur, Rajasthan - 302005
2. Director, Board Of Secondary Education, Rajasthan, Ajmer, Rajasthan - 305001
3. District Education Officer (Deo), Ajmer District, Rajasthan - 305001
4. Chief Controller - Examination, Board Of Secondary Education, Rajasthan, Ajmer, Rajasthan - 305001
5. Center Superintendent Government Higher Secondary School, Baghera, Tehsil Kekri, District Ajmer, Rajasthan - 305001
6. Principal, Government Higher Secondary School, Baghera, Tehsil Kekri, District Ajmer, Rajasthan -305001

----Respondents

For Petitioner(s)	:	Mr. Rohit Choudhary Mr. Prashant Vijay
For Respondent(s)	:	Mr. B.S.Chhaba-AAG with Mr. Rahul Gupta Mr. Prahlad Singh

JUSTICE ANOOP KUMAR DHAND
Order

29/04/2025

Reportable

1. The instant writ petition has been filed by the petitioner with the following prayer:-



"(i) Issue an appropriate writ, order, or direction in the nature of mandamus directing the Respondents to take immediate prompt action for the redressal of the grievances of the Petitioner on the basis of the mistake committed by the Examination Centre by supplying a different question paper.

(ii) Issue an appropriate writ, order, or direction in the nature of mandamus directing the respondents to not check the copies of the examination of Social Science paper held on 17.03.2025 until an opportunity of re-test is accorded to the Petitioner's Daughter to ensure fairness and restore their confidence in the examination process;

(iii) Issue an appropriate writ, order, or direction in the nature of mandamus directing the respondents to conduct a re-examination for the Petitioner's daughter to ensure fairness and restore their confidence in the examination process;

(iv) Issue an appropriate writ, order, or direction in the nature of mandamus directing the respondents to stay the publication of the result until the pendency of the present petition and conducting of the re-test for the Petitioner's daughter.

(v) Issue an appropriate writ, order, or direction in the nature of mandamus directing the respondents to constitute a high-level inquiry committee to investigate the lapses and fix accountability of the erring officials.

(vi) Issue an appropriate writ, order, or direction to formulate strict guidelines and protocols to prevent similar administrative lapses in future examinations.

(vii) Issue an appropriate writ, order, or direction to provide appropriate compensation to the petitioner for the distress and harm caused due to the error.

(viii) Pass any other appropriate writ, order, or direction as may be deemed fit and proper in the interest of justice."

2. By way of filing this writ petition, multiple prayers have been made by the petitioner.

3. Counsel for the petitioner submits that the petitioner is an ordinary student of Class- X, who appeared in the secondary examination conducted by the Rajasthan Board of Secondary Education, in the paper of Social Science which was scheduled to be held on 17.03.2025. Counsel submits that a wrong question paper meant for Children With Special Needs (for short, 'CWSN')



was supplied to the petitioner in the examination hall. Counsel submits that the petitioner attempted the question paper without noticing the above fact and thereafter, the invigilator took the said question paper from the petitioner at the time when the examination was about to end and the question paper meant for general/ordinary students was supplied to her. Counsel submits that a complaint was made in this regard but no heed was paid by the authorities. Counsel submits that now the petitioner is under apprehension that adequate marks would not be awarded to her on the basis of her performance in the wrongly distributed question paper meant for CWSN. Counsel submits that either the respondents be directed to evaluate the answer sheet of the petitioner on the basis of the question paper supplied to her or the respondents be directed to conduct fresh examination of the petitioner.

4. Per contra, counsel for the respondents opposed the prayer and submitted that at the appearing in the examination and supplying the question paper to the petitioner, it was written in the bold letters, on the question paper itself that the same relates to CWSN students but the petitioner has overlooked/ignored the same and attempted the question paper and no complaint was made by the petitioner in this regard till the examination was over. Counsel submits that the complaint was made by father of the petitioner and the same was looked into, thereafter, a detailed enquiry was conducted and it was found that on account of mistake on the part of the invigilator, a wrong question paper meant for CWSN students was given to the petitioner. Counsel submits that appropriate action would be taken against the erring



invigilator after following the due process of law. Counsel for the respondents submits that the question asked to the students belonging CWSN category were easy in comparison to the question asked to the general/ordinary students. In case, the petitioner agrees to have her answer sheet checked on the basis of her performance, while attempting the question paper meant for CWSN students, without being influenced by the fact that she belongs to general/ordinary category student, then appropriate marks shall be awarded to her based on her performance in the question paper meant for CWSN students.

5. Counsel for the petitioner, on instructions by the petitioner is ready and willing to accept the aforesaid offer given by the counsel for the respondents.

6. Heard and considered the submissions made by the rival sides and perused the material available on the record.

7. This fact is not in dispute that the petitioner is a general/ordinary category student and not a CWSN student and even then the question paper meant for CWSN students for the subject Social Science of Class-X was supplied to her in the examination hall due to mistake on the part of the Invigilator. When 15 minutes were remaining, the Invigilator realized his mistake and provided her with the correct question paper meant for general/ordinary students but it was not possible for the petitioner to attempt the entire question paper meant for general/ordinary students when only 15 minutes were remaining. When this fact was brought into the notice of the Administration of the Examination Centre, the Superintendent of the Centre admitted the mistake of the Invigilator and conducted an enquiry.



Thereafter, when the mistake of the Invigilator was found, a show cause notice was given to him asking his explanation.

8. As per the reply to the writ petition of the Board, the matter would be placed before the Result Committee, constituted under Chapter X of the Secondary Education Regulation, 1957 promulgated under the Secondary Education Act, 1957 and the said committee would consider the entire facts and circumstances and suitable action would be taken.

9. In the considered opinion of this Court, students should not suffer due to the mistake on the part of Invigilator/Examiner or any administrative oversights. For the fault, mistake and negligence of the Invigilator or School Administration, the students, like the petitioner, cannot be blamed. If the answers of the petitioner, while attempting the question paper meant for CWSN students are not checked by the respondents, by treating her a general/ordinary students, then the entire academic year of the petitioner would go waste and it would have a costing effect on her future, career and endeavours in the field of academics. This error has occurred due to fault mistake and negligence of the Invigilator, which has caused great hardship to the petitioner but such mistake or fault on the part of Invigilator cannot be allowed to result in miscarriage of justice to the petitioner for no fault of her own.

In order to protect the academic interest and academic year of the petitioner and at the same time to ensure that the erring staff of the respondents realise their mistakes and that the school management takes appropriate measures to prevent such errors, negligence and failures in future, this Court is inclined to dispose



of the instant writ petition by issuing following appropriate directions to the respondents and Rajasthan Board of Secondary Education:

(I) Evaluate the answer sheet of the petitioner for the subject-Social Science treating her as a general/ordinary student.

(II) Adequate marks be awarded to the petitioner on the basis of her performance in the aforesaid question paper, without being influenced by the fact that the question paper meant for CWSN students was supplied to her during the course of examination.

(III) Result of the petitioner be declared forthwith treating her as a general/ordinary student.

10. The present writ petition stands disposed of, accordingly.

11. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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