

ITEM NO.35 Court 3 (Video Conferencing) SECTION X

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). 1170/2021

AKSHPREET KAUR & ORS.

Petitioner(s)

VERSUS

CENTRAL BOARD OF SECONDARY EDUCATION & ORS.

Respondent(s)

(FOR ADMISSION and IA No.138312/2021-APPROPRIATE ORDERS/DIRECTIONS
IA No. 138312/2021 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

W.P.(C) No. 109/2022 (X)

(FOR

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 23800/2022

IA No. 23800/2022 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 07-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Ms. Mamta Sharma, Adv.
 Ms. Vagisha Nandini, Adv.
 Mr. Pradeep Gupta, Adv.
 Mr. Alok Kumar, Adv.
 Mr. Sandeep Malik, Adv.
 Mr. Ravi Prakash, AOR

Ms. Mamta Sharma, Adv.
Mr. Akshat Srivastava, AOR

For Respondent(s)

Ms. Aishwarya Bhati, ASG
Mr. Sanjay Kumar Tyagi, Adv.
Mr. Om Prakash Shukla, Adv.
Ms. Seema Bengania, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. G.S. Makker, AOR

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

Mr. Aabhas Kshetarpal, Adv.
 Mr. Siddhartha Jha, AOR

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

W.P.(C) No(s). 1170/2021

The grievance of the petitioner(s) essentially is about deviation from the policy statement occurring in Clause 10(a), 10(i) and 10(k), in particular. The said clauses read thus:

"10. ASSESSMENT MODERATION OF CLASS XI AND CLASS XII COMPONENT

As marks of class XI and class XII component will be awarded at school level, they will strictly not be comparable across schools due to the variations in the quality of question papers, the evaluation standard and processes, the mode of conduct of exams etc.

Therefore, to ensure standardisation, each school will have to internally moderate the marks to account for the school level variations by using a reliable reference standard.

The school shall calculate the total theory marks for each student by adding the marks for class X, class XI and class XII as per the weightage of each class. Thereafter, based on the total marks, moderation shall be carried out by the school in class-XI and class-XII. Scaling up or down of class XI and class XII marks may have to be done in a fair and transparent manner by the Result

Committee.

As class X marks are already standardised, no scaling is to be done by the schools.

(a) The historical performance of the school, in terms of the best overall performance in the previous three years' Board examination, will be taken as the reference for moderating the marks assessed by the school for 2020-2021. For example, if in a specific school, the overall average of students in 2017-18 is 72%, in 2018-19 is 74% and in 2019-20, it is 71%, the school will use the subject-wise averages of 2018-19 for moderation, which are the highest for moderation. The selected year will be the reference year for the school. For each subject, the school will have to follow a broad distribution of marks which will be based on the performance of the specific year by that school in that subject.

(b)	xxx	xxx	xxx
(c)	xxx	xxx	xxx
(d)	xxx	xxx	xxx
(e)	xxx	xxx	xxx
(f)	xxx	xxx	xxx
(g)	xxx	xxx	xxx
(h)	xxx	xxx	xxx

(i) To facilitate this and make it easy for schools, CBSE will prepare an online system in which school can enter the marks and check whether the marks allocated are in conformity with the historical distribution. In case, there is a mismatch, then the Result Committee shall have to revise the marks, as the case may be, as per a consistent and objective criterion which should also be documented in the Rationale document.

(j)	xxx	xxx	xxx
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(k) Built in checks for distribution of marks as well as subject wise average marks will be available in the online system, and once the

uploaded school-based assessment marks are consistent with the Board's policy and directives, the school will be able to finalise the marks on the Board's portal. In case, marks are not consistent with the Boards policy, schools will not be able to upload marks on the Boards portal."

This grievance has been made on the basis of the record available with the school concerning respective subjects pertaining to concerned candidate(s). We, therefore, direct the school authorities as well as the petitioners before this Court in the concerned case, who are interested in demonstrating the disparity in the marks assigned by the concerned school (Result Committee) to appear before Mr. Shyam Kumar, Regional Officer, C.B.S.E. having office at Chandigarh on 21.03.2022 at 11:00 a.m.

The Regional Officer shall make himself available on that date and time and give audience to the petitioners and school representative who would remain present along with the relevant record to justify the marks assigned by the School Result Committee. The Regional Officer shall then submit a report to this Court about the correctness of the grievance of the respective petitioners before 28.03.2022.

List this matter on 01.04.2022.

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Issue notice, returnable on 01.04.2022.

Dasti, in addition, is permitted.

The direction given in W.P(C) No. 1170 of 2021 shall also apply to the Kalyani Central Model School, Kalyani Nadia, West Bengal.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)