

IN THE SUPREME COURT OF INDIA

CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. 566 OF 2020

IN THE MATTER OF:

Amit Bathla & Ors

...Petitioners

Versus

Central Board of Secondary Education
& Anr.

...Respondents

P A P E R B O O K

ADVOCATE FOR THE RESPONDENT NO.1 : MR RUPESH KUMAR

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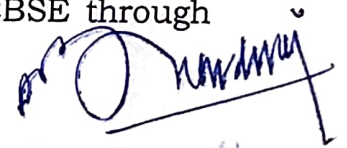
SHORT AFFIDAVIT

I, SanyamBhardwaj, age 51 years, S/o Shri P.B. Rakesh, R/o B-605, HimalyaAppartment, Sector 5, Vadundhara, Ghaziabad (U.P.), at present at New Delhi, do here solemnly affirm and state as under: -

1. That I am Controller of Examination in the Central Board of Secondary Education – Respondent No.1 and, as such I am fully conversant with the facts and circumstances of the present case. I am also authorised to affirm the present affidavit.
2. The question regarding examination of class X and XII which were scheduled from 1st July, to 15th July, is examined by the Government of India through Ministry of Human Resource Development, Dept. of School Education and Literacy. The decision is contained in Office Memorandum dated 23.6.2020 which is annexed hereto and marked as **Annexure R-1**.

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3. The Ministry of Home Affairs vide Office memorandum dated 24.6.2020 agreed to the proposal contained in the above referred Annexure [i.e. Annexure R-1]. Copy of the Office memorandum dated 24.6.2020 is annexed hereto and marked as **Annexure R-2**.
4. The Central Board of Secondary Education prepared a Notification dated 25.6.2020 formulating its decision with regard to the classes X and XII examinations. The said Notification is annexed hereto and marked as **Annexure R-3**. The same shall be uploaded on the website of Central Board of Secondary Education immediately hearing before this Hon'ble Court.
5. I state that the assessment in the subject whose examinations are not being conducted will be done based on the assessment scheme decided by the CBSE through its Expert Committee.



DEPONENT

Dr. Sanyam Bhardwaj

परीक्षा नियंत्रक / Controller of Examinations
केन्द्रीय माध्यमिक शिक्षा बोर्ड
Central Board of Secondary Education
"शिक्षा केन्द्र", 2, सामुदायिक केन्द्र,
"Shiksha Kendra", 2, Community Centre,
प्रीत विहार, दिल्ली-110092
Preet Vihar, Delhi-110092

VERIFICATION

Verified at New Delhi on this 25th June, 2020 that the contents of the above affidavit are true to records maintained in the office of respondent no.1 and nothing is concealed therefrom.



DEPONENT

Dr. Sanyam Bhardwaj

परीक्षा नियंत्रक / Controller of Examinations
केन्द्रीय माध्यमिक शिक्षा बोर्ड
Central Board of Secondary Education
"शिक्षा केन्द्र", 2, सामुदायिक केन्द्र,
"Shiksha Kendra", 2, Community Centre,
प्रीत विहार, दिल्ली-110092
Preet Vihar, Delhi-110092

ANNEXURE R-1

CONFIDENTIAL

F. No. 1-26/2020-Sch.3
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

Room No.105, 'D' Wing, Shastri Bhavan,
New Delhi, the 23rd June, 2020

OFFICE MEMORANDUM

Subject: Writ Petition (PIL) Civil No. 9042 of 2020 titled Anuj Nishad Vs. Union of India before Lucknow Bench of Allahabad High Court.

The undersigned is directed to refer to Ministry of Home Affairs OM F. No. 40-25/2020-NDM-1 dated 22.06.2020 on the subject cited above and to say that the case has been examined. In the said PIL, the petitioner has prayed for cancellation of the examinations which are scheduled to be conducted by the CBSE and other boards and to promote the students of class X and XII on the basis of the marks obtained in the given papers and their internal assessment. The CBSE examinations for the remaining examinations for class X and class XII are scheduled from 1st to 15th July 2020.

2. In this regard, the comments of CBSE have been obtained. The Competent Committee of CBSE held deliberations and made the following observations:

(1) A number of states have communicated that conduct of exams during this period will not be feasible:

- a. Chief Minister of Tamil Nadu has written to the MHRD stating that "in the welfare of students / teachers postpone the examinations till the situation becomes conducive for the conduct of these examinations "
- b. Education Minister of Delhi has written to the MHRD stating that "the examinations of 29 subjects proposed to be conducted in July should not be conducted at all."
- c. Additional Chief Secretary, Government of Maharashtra has communicated that "considering the challenges, the Hon. Minister of the School Education



Department has indicated that the Government of Maharashtra will not be in a position to grant the required permission for the conduct of the remaining CBSE examinations in July 2020, for all the school students appearing in the state of Maharashtra."

- (2) The exams cannot be carried out in a piecemeal manner and have to be conducted uniformly across the country.
- (3) A stress-free and conducive environment for the students, parents and schools is necessary for conduct of exams.
- (4) The wellbeing and safety of children and their families should be ensured during the process of conduct of examinations, especially for students or teachers who may be at risk.
- (5) Ensuring fair exams in the current environment due to increase in number of centres and provision of home schools as exam centre, for the first time. Such a huge exercise will require a facilitative and non-changing environment.
- (6) Last minute changes in containment zones, teachers and children coming from containment zones or where there could be cases, need to be taken into account. Children and teachers not feeling well before the exams and children and teachers registering temperatures on scanning by a thermal scanner will not be allowed in the examination centres.
- (7) Many schools have been identified as quarantine centres and therefore, even after giving the facility of change of examination centres, candidates may face problems in appearing for exams in the examination centres.
 - a. There are presently approximately 200 Kendriya Vidyalayas all over the country which have been identified as COVID centres.
 - b. There are presently approximately 140 Jawahar Navodaya Vidyalayas identified as quarantine centres, hospitals, medical facilities etc. Three schools have been converted to hospitals.
 - c. In Delhi, many schools are functioning as quarantine centres, food distribution centres, relief centres etc. The numbers of COVID cases are on the increase each day and the situation may worsen by July 1st.
- (8) Many parents may be reluctant to send their wards to the schools for the exams.



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The Competent Committee of the CBSE is of the opinion that in view of changed circumstances as on today and the issues as highlighted above, it is not advisable/prudent to conduct the examination from 1st July to 15th July, 2020 across the country as health, safety and security of children is the first priority.

3. In a similar matter, WP @ 566 of 220 was filed before the Hon'ble Supreme Court of India on 23/06/2020. The Solicitor General of India appeared on behalf of Union of India and CBSE. As decision with regard to conduct of examination is in the final stage, the Hon'ble Court was requested to adjourn the case. The matter is listed for 25-06-2020. The decisions under consideration are :-

- (1) Examinations for classes X and XII scheduled from 1st July, 2020 to 15th July, 2020 may be cancelled.
- (2) Assessment in the subjects whose examination are not being conducted will be done based on the assessment scheme decided by CBSE for declaration of result for both class X and XII.
- (3) For candidates in Class XII, CBSE will conduct the examinations in the subjects for which examinations were scheduled from 1st July, 2020 to 15th July, 2020 as soon as conditions are conducive. All affected candidates, including candidates from foreign schools, will be given the option to appear in these examinations. The marks obtained by a candidate in the proposed examinations will be treated as final for those who opt to take the examinations.
- (4) For candidates in class X, no further examinations will be conducted and the result declared by CBSE will be treated as final. For Class XII, the result declared by CBSE under sl. No. (2) above shall be considered as final unless the student opts for sl. No. (3) above.

CBSE will finalise its decision on conduct of examination and other modalities pertaining to declaration of result and place it before Hon'ble Supreme Court of India on 25/06/2020 in a sealed cover. As the next hearing is listed for 25-06-2020, it is requested that the position of MHA on the matter is intimated to this Department.



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4. This issues with the approval of Competent Authority.


(V.N. Shukla)

Deputy Secretary to the Govt. of India
Tel. No.23381782

To,

Shri M.Subramanian,
Deputy Secretary to the Govt. of India.
Ministry of Home Affairs,
Disaster Management Divisoin, NDCC-II Building,
New Delhi-110001

Copy forwarded for information to the Chairman, Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre Preet Vihar, Delhi-110092.

North Block, New Delhi
Dated 24th June, 2020.

OFFICE MEMORANDUM

Subject: Writ Petition (PIL) Civil No. 9042 of 2020 titled Anuj Nishad Vs Union of India before Lucknow Bench of Allahabad High Court.

The undersigned is directed to refer to Department of School Education & Literacy's OM No. 1-26/2020-Sch.3 dated 23.06.2020 on the subject mentioned above and to say that the Ministry of Home Affairs *vide* D.O. letter No.40-3/2020-DM-I(A) dated 20.05.2020 (copy enclosed) has granted exemption from lockdown measures for the conduct of the board examination for class 10th and 12th. The said exemption is an enabling provision to the School Education Boards for the conduct of the examination and is subject to certain conditions prescribed in the said D.O. letter.

2. keeping in view the issues highlighted in the aforesaid OM of Department of School Education & literacy dated 23.06.2020, this Ministry is in agreement with the proposal as enumerated in para 3 of the said O.M.
3. this issues with the approval of competent authority.



(Ashish Kumar Singh)
Under Secretary to the Govt. of India
E-mail: ashish.singh@nic.in

To,

Secretary
Department of School Education & Literacy
Ministry of Human Resource Development
Shastri Bhawan, New Delhi.



केन्द्रीय माध्यमिक शिक्षा बोर्ड

(मानव संसाधन विकास मंत्रालय, भारत सरकार के अधीन एक स्वायत्त संगठन)

CENTRAL BOARD OF SECONDARY EDUCATION

(An Autonomous Organisation under the Ministry of Human Resource Development, Govt. of India)



8

Annexure R-3

25.06.2020

CBSE/CE/SPS/2020

NOTIFICATION

Keeping in view the requests received from various State Governments and the changed circumstances as on date, following has been decided-

1. Examinations for classes X and XII which were scheduled from 1st July to 15th, 2020 stand cancelled.
2. Assessment of the performance of students in the cancelled examinations will be done based on the assessment scheme as suggested by competent committee of the CBSE for declaration of result for both class-X and class-XII. The said scheme is mentioned in Para-7 below.
3. Results based upon the aforesaid assessment scheme will be declared by 15th July, 2020 so that candidates can apply and seek admissions in Higher Education Institutions in India and abroad, based thereon.
4. However, for Class-XII, CBSE will conduct an optional examination in the subjects whose examinations were scheduled to be conducted from 1st July to 15th July, 2020 as soon as conditions are conducive, as assessed and decided by the Central Government. Candidates whose results will be declared based on the assessment scheme will be allowed to appear in these optional examinations to improve their performance, if they wish so. However, the marks obtained by a candidate in these optional examinations will be treated as final for those who have opted to take these examinations.
5. For candidates in class X, no further examinations will be conducted and the result declared by CBSE on the basis of assessment scheme will be treated as final.
6. For class- XII, the result declared by the CBSE under Sl. no (2) above will be considered as final unless the students opt for Sl. no (4) above.

Page-2



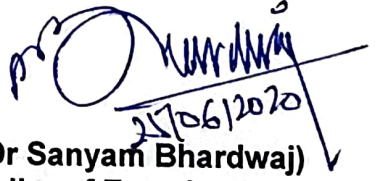
"शिक्षा केन्द्र", 2, सामुदायिक केन्द्र, प्रीत विहार, दिल्ली-110092
"SHIKSHA KENDRA" 2, COMMUNITY CENTRE, PREET VIHAR, DELHI-110092

Phone (off.) : 011-22509256-59, 22041807-08, Website: www.cbse.gov.in, www.cbse.nic.in



7. Assessment Scheme:-

- (a) For the students of both classes-X and XII, who have completed all their examinations, their results will be declared based on their performance in the examinations.
- (b) For students who have appeared in the examinations in more than 3 subjects, the average of the marks obtained in best three performing subjects will be awarded in the subjects whose examinations have not been conducted.
- (c) For students who have appeared in the examinations in only 3 subjects, the average of the marks obtained in the best two performing subjects will be awarded in the subjects whose examinations have not been conducted.
- (d) There are very few students of class-XII, mainly from Delhi, who have appeared in the examinations in only 1 or 2 subjects. Their results will be declared based on performance in the appeared subjects and performance in internal/practical/project assessment. These students will also be allowed to appear in the optional examinations conducted by CBSE to improve their performance, if they desire to do so. Result of these students will also be declared along with other students.


(Dr Sanyam Bhardwaj)
Controller of Examinations

Copy to:

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16
2. The Commissioner, Navodaya Vidyalaya Samiti, B-15, Sector-62, Institutional Area, Noida 201309
3. The Chief Secretary, Government of Andaman & Nicobar Islands
4. The Chief Secretary, Government of Arunachal Pradesh
5. The Chief Secretary, Government of Delhi

6. The Chief Secretary, Government of Sikkim
7. The Principal Secretary, Government of NCT of Delhi
8. The Director of Education, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054
9. The Director of Public Instructions (Schools), Union Territory Secretariat, Sector 9, Chandigarh-160 017
10. The Director of Education, Govt. of Sikkim, Gangtok, Sikkim -737101
11. The Director of School Education, Govt. of Arunachal Pradesh, Itanagar - 791111
12. The Director of Education, Govt. of A&N Islands, Port Blair - 744101
13. The Director of School and Mass Education, Government of Odisha, Bhubaneswar
14. The Director, Directorate of Secondary Education, Bikaner-334001, Rajasthan
15. The Collector, Department of School Education, Raipur-492001, Chattisgarh
16. The Director of Education, Government of Punjab, Mohali
17. The Director of Education, Government of Maharashtra, Pune
18. The Director of Education, Government of Madhya Pradesh, Bhopal
19. The Director, Central Tibetan School Administration, ESSESS Plaza, Community Centre, Sector 3, Rohini, Delhi
20. Assistant Chief Air Staff(Education), Air Headquarters, R K Puram, New Delhi
21. ADGMT(AE), Room No. 702, 'A' Wing, IHQ of Ministry of Defence, Sena Bhawan, New Delhi-110001
22. The Principal Director, Naval Education, 2nd floor, Wing 2, West Block V, R K Puram, New Delhi - 110 066
23. The Director, DAV Managing Committee, Chitra Gupta Road, New Delhi - 110055
24. The Secretary, Delhi Public School Society, F Block, East of Kailash, New Delhi-110065
25. Director(IT), HQs for needful updation in online softwares
26. SPS to Secretary/Director(Academic)/Director(Skill Education & Training) / Director(PE), CBSE
27. Head(Media and Public Relations), CBSE
28. All Regional Directors/Regional Officers of CBSE with the request to send this circular to all the Heads of the affiliated schools of the Board in their respective regions.
29. All Joint Secretary(ies)/Deputy Secretary(ies) of CBSE
30. PPS to Chairperson, CBSE


25/06/2022
Controller of Examinations

CENTRAL BOARD OF SECONDARY EDUCATION