



Serial No. 11
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 50 of 2018

Date of Decision: 06.08.2018

Smti. Naphisabet Nongkynrih Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Petitioner : Mr. K. Paul, Adv.
For the Respondent(s) : Mrs. R. Borah, Adv. (For R 4-6)

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

1. Heard learned counsel for the petitioner as well as learned counsel for the respondent No. 4-6.

2. The brief fact of the petitioner's case in a nutshell is that:

"This is an application under Article 226 of the Constitution of India for issuance of writ of mandamus, certiorari and any other order or orders, directions or writ or like nature assailing the impugned action of the school/board authorities, followed by the impugned decision communicated vide email dated 01.03.2018 made by the CBSE, therein debarring the Petitioner from appearing in the Class-XII board examination, 2018 by illegally declaring her ineligible on the ground that as per Bye Laws 10.1 of CBSE Examination Bye Laws, inspite of the Petitioner clearing the Special Examination conducted by the



Respondent in terms of the Judgment and order dated 19.09.2017 passed by this Hon'ble Court and being otherwise eligible to sit for examination for the year 2018. Such illegal and arbitrary action of the Respondent authority has jeopardized the academic career of the Petitioner as well as other similarly situated students for no fault of theirs.

Being highly aggrieved and dissatisfied with the action of the Respondents in illegally and arbitrarily debarring the Petitioner from appearing in the Class XII board examination, 2018, and declaring the Petitioner ineligible vide impugned communication dated 01.03.2018, the Humble Petitioner has approached this Hon'ble Court for redressal of their genuine grievances.”

3. The learned counsel for the petitioner submits that the petitioner passed Class-X and also attended Class-XI and Class XII, but now the CBSE is not permitting her to sit for the final exam of Class-XII on the ground that it under delay and the examination for the year 2018 is already over.

4. In reply to the submission advanced by the learned counsel for the petitioner, the learned counsel for the respondent No. 4-6 submits that Class-XII board examination, 2018 is over and the next exam will be held in the month of March, 2019 and assured the Court that the petitioner will be allowed to sit for the Class-XII board examination, 2019.

5. Considering the submissions advanced by the learned counsel for the parties, it is directed that the petitioner should be given the opportunity to sit for the Class-XII board exam which will be held in the month of March, 2019 without fail.



6. With this observation and direction the writ petition is allowed and stands disposed of.

(S.R. Sen)
Judge

Meghalaya
06.08.2018
"D. Nary, PS"