

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8<sup>TH</sup> DAY OF OCTOBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

**WRIT PETITION NO.9073 OF 2020 (EDN-RES)**

**BETWEEN:**

...PETITIONER

(BY MISS. TARJANI DESAI, ADVOCATE)

**AND:**

1. CENTRAL BOARD OF SECONDARY EDUCATION  
THROUGH CHAIRPERSON  
SHIKSHA KENDRA, NO 2,  
COMMUNITY CENTRE,  
PREET VIHAR, DELHI - 110092.

2. UNION OF INDIA  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,  
DEPARTMENT HIGHER EDUCATION,  
THROUGH ITS SECRETARY,  
SHASTRI BHAWAN,  
NEW DELHI - 110001.

...RESPONDENTS

(BY SRI. A RAJESH, CGC FOR R2;  
SRI. M R SHAILENDRA, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &  
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE  
CIRCULAR DATED 07.07.2020(VIDE ANNEXURE-A) ISSUED BY

THE CENTRAL BOARD OF SECONDARY EDUCATION (R-1) TO THE EXTENT OF RATIONALIZATION OF SYLLABUS FOR THE SUBJECTS OF ECONOMICS AND ENTREPRENEURSHIP AND ETC.

THIS WRIT PETITION COMING ON FOR **PRELIMINARY HEARING IN B GROUP** THIS DAY THROUGH VIDEO CONFERENCE, THE COURT MADE THE FOLLOWING:

**ORDER**

Petitioner, a school going minor child represented by mother as guardian is at the doors of Writ Court for laying a challenge to the Circular No. ACAD47/2020 dated 07.07.2020 issued by the first respondent - CBSE at Annexure-A, pursuant to which the educational institutions affiliated to the CBSE have shifted to the online mode of teaching.

2. After service of notice, the respondents having entered appearance through their respective counsel resist the writ petition making submission in justification of impugned Circular; the gist of their submission is that it is pure academic matter over which the academic body like the CBSE having the accumulated wisdom and expertise, has taken a policy decision expressed through the said Circular

and therefore, matter does not merit deeper examination at the hands of Writ Court.

3. Having heard the learned counsel for the parties and having perused the petition papers, this Court finds a lot of force in the contention of the answering respondents that in writ jurisdiction, the challenge of the kind cannot ordinarily be entertained; however, when a citizen makes a grievance by representation or petition, it is the bounden duty of the concerned to examine the same and grant redressal in accordance with law; this having not been done, petitioner is more than justified in knocking at the doors of this Court.

In the above circumstances, this writ petition succeeds in part; a direction issues to the first respondent – CBSE to look into the grievance of the petitioner as ventilated in the subject representations and also in the body of the writ petition within a period of eight weeks and to inform him the result of such consideration as well; it is open to the answering respondent to solicit any information from the side of the petitioner as is necessary for due consideration of his

grievance, subject to the rider that in the guise of such solicitation delay shall not be brooked.

The CBSE after taking the decision within the prescribed period, shall submit a compliance report to the Registrar General of this Court; non-compliance and non-reporting of compliance is likely to be treated as contempt of this Court and the contemnor runs the risk of imposition of heavy penalties in addition to other coercive steps.

All contentions of the parties are kept open.

**Sd/-  
JUDGE**

DS/Bsv