

Form No. J(2)  
Item No. DL/2  
ARPAN – A.R. (CT)

# **IN THE HIGH COURT AT CALCUTTA**

*In the Circuit Bench at Jalpaiguri*

Constitutional Writ Jurisdiction  
(Appellate Side)

**W.P.A. NO. 260 OF 2026**

**ARNAV RAJ**

**Vs.**

**UNION OF INDIA & OTHERS**

**BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA**

For the Petitioner	: Mr. Kunaljit Bhattacharjee, Adv. Mr. Pratik Panda, Adv. Mr. Alok Sah, Adv. Mr. Satyam Sarkar, Adv.
For the Union of India	: Mr. Sudipto Kumar Mazumder, DSGI ( <i>Via VC</i> ) Mr. Tridip Saha, Adv. Mr. Sourab Kar, Adv.
For the CBSE	: Mr. U.S. Menon, Adv. ( <i>Via VC</i> ) Ms. Esha Acharya, Adv.
For the School Authority	: Mr. Suresh Kumar Mitruka, Adv. Mr. Aayush Mitruka, Adv. Ms. Shruti Yadav, Adv. Mr. Sujit Swami, Adv.
Hearing concluded on	: 19.02.2026
Judgment On	: 19.02.2026

**SAUGATA BHATTACHARYYA, J.:**

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.

2. Matter is heard in presence of the learned advocates representing the petitioner, Union of India, Central Board of Secondary Education (for short, 'CBSE') and the authority of DAV School, Siliguri (hereinafter referred to as '*said school*').
3. Petitioner is a student of Class-XII of the said school. While studying in Class-XII in the said school percentage of attendance of the petitioner for the academic session 2025 was 28 per cent whereas requisite percentage of attendance is 75 per cent.
4. Learned advocate representing the petitioner submits that petitioner suffers from psychiatric problems coupled with death of his father as a result whereof situation during petitioner's study in Class-XII worsened resulting in shortfall in percentage of attendance thereby compelling the petitioner to approach this Court with the present writ petition seeking direction upon the concerned authority to permit the petitioner to participate in the ensuing senior school certificate examination (Class-XII final examination) to be conducted by CBSE, which will commence on and from 24<sup>th</sup> February, 2026.
5. Reliance is placed on Clause 13 and Clause 14 of the Examination Bye-laws of 1995 of CBSE (hereinafter referred to as '*said bye-laws*'). On conjoint reading of Clause 13 and Clause 14 of the said bye-laws, it appears prescribed requirement is to have 75 per cent attendance for a student in the relevant academic session to appear for Board

examinations and which can be relaxed up to 15 per cent meaning thereby a student must have 60 per cent attendance.

6. Learned advocate representing the petitioner submits that Clause 14(ii) of the said bye-laws comes in rescue of the petitioner and if steps are taken in terms of Clause 14(ii), even if petitioner is having 28 per cent attendance, petitioner will be permitted to participate in the ensuing senior school certificate examination by extending benefit of relaxation of requisite percentage of attendance.
7. It is also submitted on behalf of the petitioner that petitioner has lost his father in 2020 and few medical documents are also annexed to this writ petition in support of the case made out in the writ petition.
8. Mr. U.S. Menon, learned advocate representing CBSE has opposed this writ petition based on relevant provisions as contained in the said bye-laws and it is submitted that in no case exemption beyond 15 per cent of attendance is permissible. It is also submitted that in order to get the benefit of exemption as contemplated under Clause 14 of the said bye-laws, recommendation of the school authority is required and in the present case, there is no recommendation as a result whereof Chairman of the CBSE may not take a call on the prayer of the petitioner seeking exemption which would permit the petitioner to participate in the ensuing senior school certificate examination.
9. Mr. Suresh Kumar Mitruka, learned advocate representing the said school authority has supported the contention made on behalf of CBSE

and it is submitted that it is not a case where affirmative recommendation needs to be forwarded to the concerned authority of CBSE after granting benefit of exemption clause.

10. Notice of this Court has been drawn to one communication dated 4<sup>th</sup> August, 2025 issued by the Controller of Examinations, CBSE addressed to all Principal/Head of Schools affiliated to CBSE and same is taken on record.
11. Placing reliance on such communication dated 4<sup>th</sup> August, 2025, it is submitted that other provisions of the said bye-laws are applicable in case of senior school certificate examination but so far percentage of attendance of a student is concerned, that can be exempted in an appropriate case up to 50 per cent. In the present case, attendance of the petitioner is below 50 per cent, 28 per cent.
12. Union of India is represented by Mr. Sudipto Kumar Mazumdar, learned Deputy Solicitor General, who appears on virtual mode and supports the contention made on behalf of the CBSE and the said school authority.
13. Petitioner at the end of academic session (Class-XII) on 31<sup>st</sup> December, 2025 had 28 per cent attendance which is much below the requisite attendance of 75 per cent. If Clause 14(ii) of the said bye-laws is considered, it is provided therein that cases of candidates with attendance below 60 per cent in Class-X or Class-XII, appearing for board's examinations, as the case may be, shall be considered for

condonation of shortage of attendance by the Chairman only in exceptional circumstances created on medical grounds, such as candidate suffering from serious diseases like cancer, AIDS, TB or similar serious diseases requiring long period of hospitalization.

14. On perusal of the documents available on record, it appears from one medical certificate dated 16<sup>th</sup> February, 2026, which is annexed at page 68 of the writ petition that petitioner was fit from psychiatric perspective and another medical document dated 19<sup>th</sup> December, 2025 enclosed to the writ petition goes to show that petitioner was advised to undergo psychiatric counselling.
15. Out of these two medical documents, one was issued on 16<sup>th</sup> February, 2026, which is after the session ended on 31<sup>st</sup> December, 2025 and another document was issued on 19<sup>th</sup> December, 2025, which is just prior to end of the session. However, the said medical document dated 19<sup>th</sup> December, 2025 did not prescribe rest at home.
16. Moreover, petitioner lost his father in 2020 and Court is considering percentage of attendance of the petitioner in Class-XII that is for academic session 2025.
17. Since no supporting medical documents are enclosed to this writ petition which corroborate the case made out in the writ petition that on medical ground petitioner was required to take rest or petitioner was hospitalized or petitioner was suffering from diseases as contemplated under Clause 14(ii) of the said bye-laws, Clause 14(ii) is not attracted.

18. Communication dated 4<sup>th</sup> August, 2025 of the Controller of Examinations, CBSE says as per Rules 13 and 14 of CBSE examination bye-laws, a minimum 75 per cent attendance is mandatory for students to be eligible to appear for Board examinations; the Board offers a 25 per cent relaxation in the cases of exigencies such as medical emergencies, participation in national or international sports events and other serious reasons, if supported by the necessary documents/records.
19. In view of such clarification offered by the Controller of Examinations, CBSE as contained in the communication dated 4<sup>th</sup> August, 2025 in reference to Rules 13 and 14 of the said bye-laws, exemption of below 50 per cent attendance is found to be impermissible.
20. At the cost of repetition, it is again stated that no contemporaneous medical documents are annexed to this writ petition which substantiates the case made out in the writ petition.
21. Moreover, if petitioner is permitted to participate in the ensuing senior school certificate examination, which will commence on and from 24<sup>th</sup> February, 2026 in that event, flood gate will open and other candidates whose percentage of attendance is below the prescribed range may seek same benefits.
22. In view of aforesaid considerations, no relief can be granted to the petitioner.

23. Hence, writ petition stands dismissed. However, there shall be no order as to costs.
  
24. Parties to act on the server copy of this order duly downloaded from the official website of this court.

**(SAUGATA BHATTACHARYYA, J.)**