

Devadharsh N, vs Central Board of Secondary Education

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Court : Kerala

Decided On : Jan-30-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/2908/2023

Appellant : Devadharsh N,

Respondent : Central Board of Secondary Education

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944 PETITIONER: DEVADHARSH N, AGED 16 YEARS S/O. RADHAKRISHNAN. M RESIDING AT NARAYANEEYAM HOUSE, ADUKKATH VAYAL, MYLATTY P.O, UTHUMA VIA, KASARGOD - 671319, REPRESENTED BY HIS GUARDIAN AND FATHER RADHAKRISHNAN. M, AGED 73 YEARS, RESIDING AT NARAYANEEYAM HOUSE, ADUKKATH VAYAL, MYLATTY P.O, UTHUMA VIA, KASARGOD -, PIN - BY ADVS T.P.M. IBRAHIM KHAN ANILA UMESH RESPONDENTS:

1 CENTRAL BOARD OF SECONDARY EDUCATION REPRESENTED
BY CONTROLLER OF EXAMINATION, SHIKSHA KENDRA, 2,
COMMUNITY CENTRE, PREET VIHAR, DELHI, PIN - 110092 2
REGIONAL DIRECTOR CENTRAL BOARD OF SECONDARY
EXAMINATION, BLOCK B, 2ND FLOOR, LIC DIVISIONAL OFFICE
CAMPUS, PATTOM, THIRUVANANTHAPURAM, PIN - 695004 3
PRINCIPAL APSARA PUBLIC SCHOOL, APSARA NAGAR,
PERUMBALA P.O., KALANAD VIA, KASARGOD, PIN - 671317

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30.01.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

I record the deep appreciation in the submission of Sri.S.Nirmal - learned Standing Counsel for the CBSE, that the reliefs sought for by the petitioner in this Writ Petition have been acceded to, notwithstanding the technical objections earlier raised; and that his name has been included in the 'Online' portal, so as to facilitate the assistance of a scribe for his 10th standard examinations, commencing on 15.02.2023.

2. Sri.T.P.M.Ibrahim Khan - learned Senior Counsel,

instructed by Smt.Anila Umesh - learned counsel appearing for the petitioner, pointed that even though the petitioner suffers from the benchmark disability as specified in the applicable Rules, his request for assistance of a scribe had been rejected by the CBSE only because he did not apply in the 'Online' portal. He added that, nevertheless, since the CBSE has now acceded to the client's request, no further reliefs may be required in this Writ Petition. Taking note of the afore submissions and recording the same made by Sri.S.Nirmal as afore, I dispose of this Writ Petition on such terms. Sd/-DEVAN RAMACHANDRAN, JUDGE
Isn
APPENDIX OF WP(C) 2908/2023 PETITIONER EXHIBITS Exhibit P1 TRUE
COPY OF CERTIFICATE OF DISABILITY NO. 13/2022 DATED 3.12.2022
ISSUED BY THE DISTRICT HOSPITAL, KANHANGAD Exhibit P2 TRUE COPY

OF CERTIFICATE ISSUED BY MALABAR INSTITUTE OF CLINICAL PSYCHOLOGY, KANHANGAD DATED 21.11.2022 Exhibit P3 TRUE COPY OF LETTER DATED 8.12.2022 SENT BY THE 3RD RESPONDENT SCHOOL TO THE 2ND RESPONDENT Exhibit P4 TRUE COPY OF CIRCULAR NO. CBSE/COORD/112233/2019 DATED 12.4.2019 Exhibit P5 TRUE COPY OF LETTER DATED 24.12.2022 ISSUED BY 3RD RESPONDENT Exhibit P6 TRUE COPY OF EMAIL REQUEST TO THE 2ND RESPONDENT DATED 10.1.2023 ALONG WITH THE ATTACHMENTS TO THE EMAIL WITH TYPED COPY Exhibit P7 TRUE COPY OF LETTER OF REJECTION DATED 12.1.2023 SENT BY 2ND RESPONDENT VIA E-MAIL WITH TYPED COPY Exhibit P8 TRUE COPY OF APPEAL FILED AGAINST EXHIBIT P7 REJECTION DATED 9.1.2023 RESPONDENTS EXHIBITS: NIL TRUE COPY P.A TO JUDGE LSN

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