

IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

CIVIL WRIT PETITION NO. OF 2021

IN THE MATTER OF:

Deepa Joseph ... Petitioner

Versus

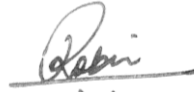
Central Board of Secondary Education (CBSE) & Anr. ... Respondent

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Filed Through:



Robin Raju
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New Delhi,

Date: 03/07/2021

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Deepa Joseph ... Petitioner

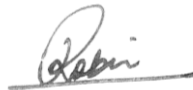
Versus

CBSE ... Respondent

NOTICE OF MOTION

TAKE NOTICE that the accompanying petition will be listed before the Court on /07/2021 at 10:30 O'clock in the forenoon, or soon thereafter as may be convenient to the Court.

Filed Through:



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New Delhi,

Date: 03/07/2021

IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
CIVIL WRIT PETITION NO. OF 2021

To
The Deputy Registrar,
High Court of Delhi, New Delhi.

IN THE MATTER OF:

Deepa Joseph	Versus	... Petitioner
CBSE & Anr.		... Respondent

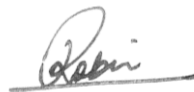
URGENT APPLICATION

Sir,

Will you be kindly treat this accompanying application as an urgent one in accordance with High Court Rules and Order.

The grounds of urgency are as per the facts stated in the petition.

Filed Through:



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New Delhi,

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

CIVIL WRIT PETITION NO. OF 2021

IN THE MATTER OF:

Deepa Joseph ... Petitioner

Versus

CBSE & Anr. ... Respondent

SYNOPSIS AND LIST OF DATES

This Civil Writ Petition filed by the Petitioner is in the nature of Public Interest litigation for a direction to the Respondent to refund the examination fees to the students registered in classes X and XII for appearing in Board examinations that have been cancelled for this year.

The Petitioner herein is an Advocate and a social activist. She is also the mother of a Class X student studying in a CBSE affiliated Government School in Delhi. The petitioner had paid a sum of Rs.2100/- as examination fee for appearing in Class X Board examinations to the CBSE for 7 subjects. It is relevant to note that the Board exams for Class X got cancelled on 14th April 2021 and the results of the exam are still not declared. The Class XII boards were also cancelled on 01st June 2021, considering the Covid-19 situation across the country.

It is herein pertinent to mention that the examination fee for Class XII is a sum Rs. 1500/- and Rs. 150/- for each practical subject and Rs. 300/- for additional 6th Subject and a Migration Fee of Rs. 350/-. The fees of Class X Board exams was Rs. 1500/- (For 5 subjects) and Rs. 300/-(Per Extra

Subject) and Rs.150/- (Per Project Work). The above stated amount was required to be paid by 28.09.2020 for Class XII students and 20.02.2021 for Class X students.

It is also imperative to note that the said examination fees is levied from parents by CBSE for paying the invigilators and examiners, or is spent on setting up of exam centres. In short the fees charged as examination fees is for covering all kinds of expenses related to the conduct of exams. The contention of the petitioner herein is that since the board exams are cancelled, the Respondent should refund the money collected as examination fee as it will not have to incur the aforementioned expenses.

That it is further stated that there were reports that the guardians were demanding CBSE exam fees immediately after the news of cancellation of Class X board exams. The news regarding the same was also published in the Telegraph Online on 17.04.2021. It is also germane to note that the demand for refund of examination fees was also raised by the All India Parents Association recently. The news regarding the demand raised by the Association to the respondent was also published in The Indian Express on 07.06.2021. The published news covers stories of people who belong to poor background and for whom the amount collected as examination fee by the Respondent is significant, especially in these difficult financial times.

It is also worth mentioning that the Petitioner herein had also submitted an RTI application on 21.06.2021, seeking information about the total number of students registered for class X and class XII Board exams for the year 2020-21 and also the total amount of examination fees collected from Class X and Class XII students for the academic year 2020-21. It is relevant to mention that on 02.07.2021, the petitioner received a reply from the Respondent which gives answer to the first query. The reply states that the

probable registered students for Class X is 21,50,759 and for Class XII are 1430258. It is herein stated that from the figures received from the respondent, it is safe to assume that CBSE has received Crores of rupees as examination fees.

It is submitted that the Respondent is totally unjustified in keeping the money collected from students as examination fees for Class X and XII board exams that have got cancelled.

That in view of the aforesaid scenario, the Petitioner felt the need to move such a petition seeking a direction to the Respondent to refund the money collected from students of Class X and XII board exam students of academic year 2020-21 with immediate effect. This petition has also been filed considering the fact that it is going to be a month since the parents association raised the demand for refund of examination fees, but till now no positive response has come from the side of the respondent.

Hence the present Petition.

28.09.2020	The deadline date kept by the Respondent for submission of examination fees for Class XII students.
20.02.2021	The deadline date kept by the Respondent for submission of examination fees for Class X students.
14.04.2021	Class X board exams for the academic year 2020-21 were declared cancelled.
17.04.2021	The Telegraph Online published a news that the guardians were demanding refund of CBSE exam fees.

01.06.2021	Class XII board exams were for the academic year 2020-21 was declared cancelled.
07.06.2021	The Indian Express reports that All India Parents Association have also demanded refund of examination fees.
21.06.2021	A RTI is submitted by the Petitioner seeking information about the total number of Class X and XII students registered for the academic year 2020-21 and the amount collected as examination fees.
02.07.2021	The Respondent give a reply to the RTI filed by the Petitioner.
03.07.2021	Hence this Petition is filed.

To

The Hon'ble Chief Justice and
His Companion Justices of the
Hon'ble High Court of Delhi at New Delhi

The humble petition of the
Petitioner above named

MOST RESPECTFULLY SHOWETH:

This writ petition is being filed by the petitioner in public interest to pass a Writ in the nature of Mandamus seeking a writ of mandamus to direct the respondents to refund the examination fees collected from Class X and XII students for appearing in board exams that have now been cancelled.

Facts of the case:

1. The Petitioner herein is an Advocate and a social activist. She is also the mother of a Class X student studying in a CBSE affiliated Government School in Delhi. The petitioner had paid a sum of Rs.2100/- as examination fee for appearing in Class X Board examinations to the CBSE for 7 subjects.
2. That the examination fee for Class XII is a sum Rs. 1500/- and Rs. 150/- for each practical subject and Rs. 300/- for additional 6th Subject and a Migration Fee of Rs. 350/-. The fees of Class X Board exams was Rs. 1500/- (For 5 subjects) and Rs. 300/-(Per Extra Subject) and Rs.150/- (Per Project Work). The above stated amount was required to be paid by 28.09.2020 for Class XII students and 20.02.2021 for Class X students.

3. That it is relevant to note that the Board exams for Class X got cancelled on 14th April 2021 and the results of the exam are still not declared. The Class XII boards were also cancelled on 01st June 2021, considering the Covid-19 situation across the country.
4. That it is stated that there were reports that the guardians were demanding CBSE exam fees immediately after the news of cancellation of Class X board exams. The news regarding the same was also published in the Telegraph Online on 17.04.2021. A true copy of the report published by the Telegraph Online is marked as **ANNEXURE P-1** and annexed herewith at Page Nos 17-19.
5. That it is also germane to note that the demand for refund of examination fees was also raised by the All India Parents Association recently. The news regarding the demand raised by the Association to the respondent was also published in The Indian Express on 07.06.2021. A true copy of the report published by The Indian Express is marked as **ANNEXURE P-2** and annexed herewith at Page Nos 20-21.
6. That it is also worth mentioning that the Petitioner herein had also submitted an RTI application on 21.06.2021, seeking information about the total number of students registered for class X and class XII Board exams for the year 2020-21 and also the total amount of examination fees collected from Class X and Class XII students for the academic year 2020-21. A true copy of the details of the RTI submitted is marked as **ANNEXURE P-3** and annexed herewith at Page No 22.

7. That it is relevant to mention that on 02.07.2021, the petitioner received a reply from the Respondent which gives answer to the first query. The reply states that the probable registered students for Class X is 21,50,759 and for Class XII are 14,30,258. A true copy of the reply from Respondent No.1 to the RTI submitted is marked as **ANNEXURE P-4** and is annexed herewith at Page No 23.
8. That from the above figures received from the Respondent No.1 it can safely assumed that the Respondent No.1 has received Crores of rupees as Examination Fees. And they are not entitled to keep the said amount as the exams for which the fees were collected have been cancelled.
9. Hence this Petition.

GROUND

- (i) FOR THE REASON that Class X and XII Board Exams have been cancelled by the Respondents.
- (ii) FOR THE REASON that many parents from poor financial backgrounds struggled to pay the examination fees.
- (iii) FOR THE REASON that parents associations have also raised the demand for refund of examination fee from the Respondent no.1
- (iv) FOR THE REASON that it is not an unjust enrichment on the part of Respondent No.1 to keep the hard earned money of parent which totals to crores of rupees with it.

- (v) FOR THE REASON that the petitioner is also a mother of a Class X students and had also paid a sum of Rs. 2100 as examination fees to the Respondent no.1
- (vi) FOR THE REASON that the Petitioner had filed an RTI in reply to which the Respondents have themselves admitted that lakhs of class X and XII had registered with it in the academic year 2020-21.
- (vii) FOR THE REASON that the Respondent No.1 has a refund policy with regard to examination fees.
- (viii) FOR THE REASON the current pandemic scenario because of which exams were cancelled also demands refund of money taken for those exams.
- (ix) FOR THE REASON that All India Parents Association had submitted a representation to the Respondent no.1 demanding refund of exam fees but no action has been taken upon it by the Respondents.
- (x) FOR THE REASON that the inaction on the part of the Respondent is illegal, and arbitrary, thus violating the fundamental rights of the Petitioner guaranteed under the Constitution of India.
- (xi) Any other grounds that may be urged at the time of hearing with the permission of the Hon'ble Court.

10. That the present petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.
11. That all the respondent herein are an instrumentality of state and are functioning with instruction from Delhi hence this Hon'ble Court is having the jurisdiction to entertain the present petition.

PRAYER

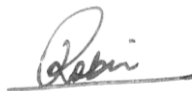
In the premises aforesaid, it is humbly and respectfully prayed that this Hon'ble Court may be pleased to issue:

- (a) A writ of mandamus to direct the Respondents to take steps to refund the examination fee collected by it from students of Class X and XII for board examinations of the academic year 2020-21.
- (b) To direct Respondent no.2 to advise Respondent no.1 to consider formulating a fresh examination refund policy wherein refund of fees will be granted when unforeseen circumstances like pandemic and subsequent cancellation of exams.



PETITIONER

Filed Through:



Robin Raju
B, Pocket A-3, Kalkaji Ext.
New Delhi- 110019.
Ph: 9910940402
E-mail: rajurobin7@gmail.com

New Delhi,

Date: 03/07/2021

4. That the annexures to the petition/application are true and correct copies of the respective originals.

5. That I have read the contents of this affidavit and I state that the contents thereof are true and correct to my knowledge.



DEPONENT

VERIFICATION

Verified at Delhi on this 2nd day of July 2021 and state that the contents above stated are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.



DEPONENT

The Telegraph *online*

Guardians demand CBSE exam fee refund

telegraphindia.com/india/coronavirus-outbreak-demand-for-cbse-exam-fee-refund/cid/1812792

Basant Kumar Mohanty

New Delhi | Published 17.04.21, 12:45 AM

The board charged a fees of Rs 1,500 to Rs 1,800 per student depending on the number of subjects they had chosen and the number of practical exams they were to take



Nearly 21.5 lakh students were to sit for the Class X boards
Shutterstock

Shanti Rana, 65, rears goats and stitches clothes to feed and educate her four school-going grandchildren.

The family of five lives in the Madanpur Khadar slum in southeast Delhi, and the children are enrolled in a Delhi government school. The children's father — Shanti's son — is dead and their mother does not live with them.

Last February, Shanti's eldest grandchild, Kirti, paid Rs 1,800 to the Central Board of Secondary Education (CBSE) to register herself for her Class X board exams, which were scheduled from May 4 to June 16.

With the exams now cancelled because of the Covid surge, Shanti wants the board to refund the money.

"I had arranged the fee with extreme difficulty. My granddaughter was studying well and I wanted her to find a good job in future. But now that the CBSE has cancelled the exam, it should refund us the fee," Shanti said.

It's a demand echoed by many other parents and guardians of Class X CBSE students, particularly those not well off.

Ashok Agrawal, member of Delhi University's executive council and president of the All India Parents Association, said the board must refund the money since it does not have to pay the invigilators and examiners, or spend on setting up exam centres.

"The fee covers all kinds of expenses related to the conduct of the exams. Since the board need not make these expenditures now, it must refund the fees," Agrawal said.

The CBSE charged exam fees of Rs 1,500 to Rs 1,800 per student depending on the number of subjects they had chosen and the number of practical exams they were to take. Nearly 21.5 lakh students were to sit for the Class X boards.

A school principal who did not wish to be quoted said the board may have already spent a portion of the money preparing the question papers, but it should refund the unspent amount to the students.

Many parents whose children go to private schools in the cities

too have supported the demand for a refund.

The CBSE has said it will work out a way of grading the students without a board exam, leaving many students wondering what criteria would be adopted for the allotment of streams in Class XI. The schools usually allot streams on the basis of the students' board marks.

A message sent to board secretary Anurag Tripathi seeking the CBSE's stand on the refund demand remained unanswered.

KVS teachers

Teachers at the Kendriya Vidyalaya Sangathan schools have urged the government to restore the original schedule of their annual summer vacation, now that the CBSE has cancelled its Class X board exams and deferred the Class XII exams till June 15.

Summer holidays for the teachers were to extend from May 3 to June 20 but the KVS administration later asked them to come to school till June 2 and help conduct the exams. In a letter to the Union education minister, the teachers' association has demanded reinstatement of the original vacation schedule.

The Indian **EXPRESS**

CBSE Class 10 and 12 exams cancelled, parents demand return of tests' fees

indianexpress.com/article/cities/delhi/cbse-class-10-12-exams-cancelled-parents-demand-return-of-tests-fees-7347500/

By: [Express News Service](#) | New Delhi |

June 7, 2021 1 :24:27 am



Will be able to successfully conduct Class 12 board examination, AP tells SC (Representational image)

With CBSE having cancelled the Class 10 and 12 exams this year owing to the [Covid-19 pandemic](#), parents have raised a demand seeking return of the examination fees collected from students last year.

CBSE had increased its examination fees for Class X and XII students for the 2020 examinations, charging more than Rs

2,000 from most students. In 2020, the Delhi government had paid this fee for all students studying in government-run schools. However, it couldn't do the same this year owing to a financial crunch.

“In the past year, the CBSE had not agreed to waive the exam fees keeping in mind technical and institutional requirements. After the announcement of the cancellation of the exams, students registered in Classes X and XII should be returned the exam fee collected by them,” a letter written by the All India Parents' Association to the CBSE chairman read.

A Class XII student from a Delhi government school in North East Delhi said that she is looking to organise support to raise this demand. “My father is a daily wage labourer and with a lot of help, and despite monetary problems amid the pandemic, we managed to raise Rs 2,500 for my exam fees and Rs 1800 for my sister's Class X exam fee. While I'm waiting for my evaluation criteria, it is also very important for me that the amount is returned to us soon,” she added.

Your RTI Request filed successfully.

Registration Number	CBSED/R/E/21/01655
Name	DEEPA JOSEPH
Date of Filing	21-06-2021
RTI Fee Received	10
Payment Mode	Credit or Debit Card / RuPay Card
Payment Reference Number	202117247217057
Transaction Status	SUCCESS
Request filed with	Central Board of Secondary Education

Telephone Number	22440083
Email Id	rs.rtihq@gmail.com

ANNEXURE P-4



केन्द्रीय माध्यमिक शिक्षा बोर्ड

(शिक्षा मंत्रालय, भारत सरकार के अधीन एक स्वायत्त संगठन)

CENTRAL BOARD OF SECONDARY EDUCATION

(An Autonomous Organisation under the Ministry of Education, Govt. of India)



CBSE/Coord/RTI/ CBSED/R/E/21/01655/5061-62

Date 02.07.2021

Ms. DEEPA JOSEPH,
870 C4, Moonstar Apartment,
Shalimar Garden Ext -1,
Sahibabad Uttar Pradesh.

Sub: Part reply to your RTI Application No. CBSED/R/E/21/01655 and transferred under section 6 (3) of RTI Act 2005-reg.

Madam,

This is in reference to your RTI Application no. CBSED/R/E/21/01655 seeking information sought by you, a part reply of point no 01 is given below and point no 02 is being transferred to the PIO, Administration/Accounts Unit to provide information direct to you:-

S No.	Information Sought	Reply
1	The total number of students registered for class X and class XII Board exams for the year 2020-21?	As per required information by applicant total number of probable registered students for class X are 2150759 and for class XII are 1430258 for session 2020-21.
2	The total amount of examination fees collected from Class X students and Class XII students respectively for this academic year (2020-21).	Shall be provided by PIO Administration/Accounts Unit directly to you.

Yours faithfully,


(PIO)- Coordination Unit

Note- If you are not satisfied with this reply, you can make first appeal to the First Appellate Authority at CBSE, Coordination Unit Hqrs, Shiksha Kendra, 2, Community Center, Preet Vihar, Delhi-110092-within 30 days.

Copy to:- PIO, Administration/Accounts Unit ----- Kindly reply of Q. No 02 directly to applicant under intimation to this office.



IN THE HIGH COURT OF DELHI AT NEW DELHI

C.M. APPL. NO. _____ OF 2021

IN

WRIT PETITION (CIVIL) NO. _____ OF 2021

IN THE MATTER OF:

Deepa Joseph ... Petitioner

Versus

CBSE & Anr. ... Respondent

APPLICATION SEEKING EXEMPTION FROM FILING DULY

AFFIRMED AFFIDAVIT UNDER SECTION 151 OF CPC

To

The Hon'ble Chief Justice and
His Companion Justices of the
Hon'ble High Court of Delhi at New Delhi

The humble petition of the
Petitioner above named

MOST RESPECTFULLY SHOWETH:

- (a) This writ petition is being filed by the petitioner in public interest to pass a Writ in the nature of Mandamus seeking a writ of mandamus to direct the respondents to take steps to refund the examination fee collected by it from students of Class X and XII for board examinations of the academic year 2020-21.
- (b) The petitioner is not narrating the entire facts and circumstances leading to the filing of the present writ petition for the sake of brevity, craves

leave of this Hon'ble Court to refer to the writ petition at the time of arguments.

- (c) It is humbly submitted that under the prevailing circumstances due to the precarious situation prevailing due to COVID19 pandemic, the petitioner is unable to find a notary, so prefers the present Application seeking an exemption from filing Affidavit duly affirmed.
- (d) That this application is made bonafide.

PRAYER

It is humbly prayed that this Hon'ble Court may pleased to:

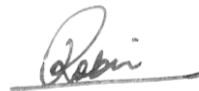
- (a) Exempt the Petitioner from filing duly affirmed affidavit;
- (b) pass such further order(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY
BOUND SHALL EVER PRAY.



APPLICANT

Filed Through:



Robin Raju
27-B, Pocket A-3,
Kalkaji Ext.
New Delhi- 110019.
Ph: 9910940402

E-mail: rajurobin7@gmail.com

New Delhi,

Date: 03/07/2021

VERIFICATION

Verified at Delhi on this 02nd day of July 2021 and state that the contents above stated are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

A handwritten signature in black ink, appearing to read "Deji Joseph", written in a cursive style.**DEPONENT**

IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

W.P.(C) NO. OF 2021

IN THE MATTER OF:

Deepa Joseph

... Petitioner

Versus

CBSE & Anr.

... Respondent

KNOW ALL to whom these present shall come that I Deepa Joseph, W/o Manoj Mathew, Aged about 46 years, R/o. 870/C-4, Moon Star Apartments, Shalimar Garden Extension-1, Sahibabad, Ghaziabad, the above named PETITIONER do hereby appoint **Mr. Robin Raju**, 27-B, Pocket A-3, Kalkaji Extension, New Delhi, Ent. No. D/2072/2012 (herein after called the advocate to be my/our Advocate in the above-noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us. To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage. To file and take back documents, to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration and differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.

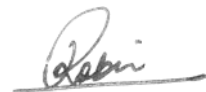
The deposit, draw and receive money cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf. And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called. And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the originals fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these present the contents of which have been understood by me/us on this 02 day of July 2021.

Accepted, Identified & satisfied



ROBIN RAJU

27-B, Pocket A-3, Kalkaji Ext.

New Delhi- 110019.

Ph: 9910940402

E-mail: rajurobin7@gmail.com

Enrl. No. D. 2072/2012



CLIENT