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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 10105/2020

SHISHRAM
AS GUARDIAN OF MR. KAWAL ..... Petitioner

Through: Mr. Aayush Agarwala, Ms. Bhumika Sharma and Mr. Auritro Mukherjee, Advocates.

versus

BAL BHAVAN INTERNATIONAL
SCHOOL & ORS. ..... Respondents

Through: Mr. Himanshu Chaubey, Advocate for R-1.
Mr. Ashok Kumar and Ms. Chhavi Arora, Advocates for R-2.
Mr. Mohinder JS Rupal and Ms. Shaifali Jain, Advocates for R-3.
Mr. Unmukt Gera, Advocate for R-4.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 24.11.2022

1. Petitioner who studied at Respondent No. 1 – Bal Bhavan International School, Dwarka [hereinafter "*the School*"] and was an exemplary student, appointed as 'Head Boy' in 2019-20 and 'Sports Captain' in 2018-19 was unsuccessful in securing admission in colleges at Respondent No. 3 – University of Delhi [hereinafter "*DU*"], a failure he attributes to improper or lack of career guidance by the School. His accusation is that when he opted for Mass Media Studies and Physical Education in Class XI and XII, he was not cautioned that these subjects are not considered as "Main" subjects by DU and are instead treated as

"Elective" attracting penalty of 2.5% deduction of marks from aggregate marks for the purpose of selection in colleges of DU. Petitioner also seeks intervention of statutory authorities such as Respondent No. 2 – Central Board of Secondary Education ["*CBSE*"] and Respondent No. 4 – Government of NCT of Delhi ["*GNCTD*"], to ensure proper dispensation of information and guidance to students at the time of subject selection in Class XI and XII and seeks following prayers: -

> "*a) Issue a writ, order or direction in the nature of mandamus directing the Respondent Nos.2 - Central Board of Secondary Education to take action against Respondent No. l - Bal Bhavan International School, including but not limited to the cancellation of its affiliation/ accreditation;*
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> *b) Issue a writ, order or direction against Respondent No. I – Bal Bhavan International School to adequately compensate Mr. Kawal and other students for the prejudice caused to them on account of its acts /omissions.*
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> *c) Issue a writ, order or direction against Respondent No.3 - University of Delhi directing it to clarify its stand in respect of treatment of subjects for the purpose of admission and to favourably consider the application of the Petitioner in light of the facts and circumstances of the present case.*"

2. In the opinion of the Court, prayer (a) against Respondent No. 2 – CBSE to cancel affiliation/ accreditation of the School, lacks foundation and is untenable. Improper career counselling to some students cannot be a ground for de-affiliation/ de-accreditation, in absence of any statutory provision that provides for such a penalty. Similarly, prayer (b) for grant of compensation can also not be entertained considering highly disputed facts that have emerged from the pleadings. The School has asserted that guidelines issued by CBSE are diligently followed and students in Class XI are free to opt any subjects prescribed by CBSE. They explain that Petitioner opted for the subjects voluntarily and in consultation with his parents. All of the subjects taught/ available in the School, are recognised by CBSE and

there is no basis for the School to consider some subjects more favourable than others. The School does not dissuade students from opting any subject. In light of the above, there is no basis for the Court to hold that the choice exercised by Petitioner was not voluntarily or was exercised under persuasion. There is also no reason for the Court to hold that the School should have disapproved or opposed the option because of its likely impact in admission prospects to DU. Petitioner's contention is farfetched and exhibits a very orthodox approach towards education centred around scoring marks. The School, on the other hand, would have a different approach of holistic development of students and would encourage them to select subjects based on their aptitude. Scoring of marks cannot therefore, be the sole criteria for selecting a subject. Prayer (b) is also rejected. As regards prayer (c), Petitioner applied to DU in the year-2020 and since then, Common University Entrance Test (Under Graduate)-2022 ["*CUET (UG)-2022*"] has been introduced this year for admission to graduate applications under Common Seat Allocation System-2022 based on CUET (UG)-2022 scores. The prayer is thus, infructuous keeping in mind the current admission process of DU. Moreover, the Court has no reason to direct DU to dilute its standards for admission, as fixing the eligibility criteria is a policy-decision and lies within the exclusive domain of the University. No foundation or legal right has been demonstrated before this Court to issue any directions to DU *qua* admission procedure followed by them for intake of students under the *erstwhile* admission regime. At this juncture, it must also be noted that Petitioner has been able to secure admission in some other college and he is continuing his education there.

3. In light of the fore-going, the Court does not find merit in the present petition.

4. Before parting, it must be emphasised that career guidance to students in Class XI and XII is crucial. It is indeed essential that students are counselled in this decision-making process. Respondent authorities, who supervise education imparted to students, must step-in to ensure that there is appropriate system of counselling in schools, career guidance programmes/ career fairs, to assist students. If students are made aware of admission policies of different universities, it could only help them in making an informed decision regarding their subject choices. Mr. Unmukt Gera, counsel for GNCTD, states that such systems must be in place, although he is unable to readily cite the same. Accordingly, the present petition is disposed of with a direction to GNCTD/ DoE to examine this issue in consultation with experts in the field and in case, any lacunae is required to be filled-in, they may do so by issuing appropriate directions to schools.

5. Disposed of.

SANJEEV NARULA, J

NOVEMBER 24, 2022
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(Corrected and released on: 29th November, 2022)