IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18381 of 2025

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1. Sameer Raj @ Sameer Raj Sinha, Son of Sh. Arun Kumar Sinha, Resident of 63-C/C, South of Post Office Building, Mohalla- Peoples Co-operative Colony, Post Office- Lohia Nagar, District- Patna- 800020, under guardianship of his father.
2. Arun Kumar Sinha, Son of Late Yogeshwar Prasad Sinha, Resident of 63-C/C, South of Post Office Building, Mohalla- Peoples Co-operative Colony, Post Office- Lohia Nagar, District- Patna- 800020.

... ... Petitioner/s

Versus

1. The Union of India through the Secretary (School of Education and Literacy), Ministry of Human Resource Department, Shastri Bhawan, New Delhi.
2. The State of Bihar, through the Additional Chief Secretary, Education Department, New Secretariat, Patna.
3. The Director, Secondary Education, Education Department, New Secretariat, Patna.
4. The Chairman, Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, New Delhi.
5. The Secretary, Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, New Delhi.
6. Regional Officer, Central Board of Secondary Education, Regional Office, Ambica Complex, Behind SBI Colony, Near Brahmsthan, Sheikhpura, Raja Bazar, Bailey Road, Patna-800014.
7. B.D. Public School, Buddha Colony, Patna through its Director Mr. S.B. Rai.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
		Ms. Priyanka Singh, Advocate
For the CBSC	:	Mr. Vinay Krishna Tripathy, Advocate
For the State	:	Mr. Sanjay Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 27-01-2026

Heard Mr. Y. C. Verma, learned Senior Advocate

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for the petitioners and Mr. Vinay Krishna Tripathy, learned Advocate for the Central Board of Secondary Education and Mr. Sanjay Kumar, learned Advocate for the State.

2. This is the third round of litigation led by a student Sameer Raj @ Sameer Raj Sinha, who was duly admitted in B.D. Public School, Buddha Colony, Patna; a school duly affiliated with Central Board of Secondary Education (in short 'CBSE') on 13.04.2018 at the age of 5 years, 3 months and 25 days, in Class-IV. After having performed well in the successive classes, finally, the petitioner was promoted to Class-IX at the age of ten years and three months and was also allowed to appear in Pre-Mid Term of Class-X as well as Mid-Term and Post Mid-Term Examination of Class-X. However, despite his best efforts and persuasion made to all the authorities regarding his academic excellence and outstanding performance to Scholastic areas, when he had not been allowed to appear in the Board Examination of All India Secondary School Examination and the registration was not done, he approached this Court through his guardian/father in C.W.J.C. No. 17241 of 2023 seeking a direction to the respondent authorities, specially C.B.S.E. to permit the petitioner no.1 to appear in the Board Examination of AISSE, 2025 and to direct the C.B.S.E. to

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allow/accept the registration of the petitioner no.1, irrespective of his age being less than 15 years.

3. The learned Court having taken note of the provisions prescribed in the Bihar Education Code and the By-laws of the C.B.S.E. opined that a student below the age of 05 years cannot be admitted in Class-I and if a student is getting admission above Class-I, he shall be admitted in higher class at appropriate age meaning thereby above the age of 05 years. The Court further took note of Article 291 of the Code and observed that it starts with the word “ordinarily” as such, the age prescribed is meant for normal circumstances. If a student is child prodigy and has exceptional merit, in that case Article 291 of the Code may not be treated as absolute and in case of exceptional merit of a student he may be allowed to appear in the Board Examination even below the prescribed age. However, the Court finally observed that extraordinary intelligence / merit of such candidate can be tested by the Examining Body i.e. C.B.S.E. The permission to take the Board Examination for under age student can only be granted in exceptional circumstances for which C.B.S.E. is the best Judge. Hence liberty was granted to the petitioners to file a representation before the Chairman of the C.B.S.E. along with

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all relevant papers and the previous results of the petitioner no.1 within a stipulated period. The Chairman of the C.B.S.E. is directed to consider his case and if he is found exceptionally meritorious and the Chairman of the C.B.S.E. is satisfied, he may be allowed to participate in the Board Examination to be held in 2025.

4. In pursuance of the afore noted decision of this Court, a representation was filed before the Chairman of the C.B.S.E., however, the claim of the petitioner no.1 for allowing him to appear in Board Examination of C.B.S.E., 2025 came to be rejected and accordingly the representation of the petitioner stood disposed of.

5. The petitioners being dissatisfied with the order of the Chairman of the C.B.S.E. again approached this Court in C.W.J.C. No. 10321 of 2024 for identical prayer to allow the petitioner no.1 to appear in the Board Examination, besides questioning the legality of the order passed by the Chairman of the C.B.S.E.

6. The Court having gone through the case records and the impugned order did not find any infirmity or illegality in the order dated 20.05.2024 passed by the Chairman, C.B.S.E. and accordingly dismissed the writ petition vide order dated

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08.01.2025.

7. The order of the learned Single Judge dated 08.01.2025 was put to question before the learned Division Bench in L.P.A. No. 55 of 2025. The learned Division Bench took note of the fact that earlier a Bench of this Court finding the performance of the appellant-student to be exemplary, gave a window to him to approach the C.B.S.E, which in turn was directed to take into account the performance of the appellant and take a decision regarding permitting him to appear in the examination even when he was under age. The reason assigned by the C.B.S.E. while rejecting the claim of the appellant-student was held to be good and cogent reasons, which has been duly affirmed by the learned Single Judge in C.W.J.C. No. 10321 of 2024. Finally, the Court while dismissing the appeal has been pleased to observe that there is no reason why the minimum age fixed by the State Government for a 10th standard student should be breached and the appellant be permitted to waive such requirement only on the ground of his having shown great promise in the past. The appellant was advised to show his brightness when he comes of age to appear in such examination.

8. The matter was finally taken by the petitioners to

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Hon’ble Supreme Court in Special Leave to Appeal (C) No.8849 of 2025, however, the Special Leave Petition also stood dismissed vide order dated 07.04.2025.

9. Despite the issue having been set at rest by the learned Division Bench of this Court and no reason being found for interference by the Hon’ble Supreme Court in Special Leave to Appeal (C) No.8849 of 2025, the petitioner no.1, who is a student and his father (petitioner no.2) preferred the present writ petition seeking issuance of a writ in the nature of Mandamus directing, inter alia, upon the respondents to ensure that the case of the petitioner no.1, now presently aged about 12 years and 10 months and student of Class-X, be duly considered for registration and appearance in the Class-X C.B.S.E. Board Examination, notwithstanding the alleged shortfall of age as reflected in the C.B.S.E. Online portal. Besides the aforesaid prayer, the petitioner no.1 in sum and substance has made all the prayers, as was sought for in the earlier round of litigation, apart from seeking a declaration that insistence on age criteria, in disregard of the petitioner’s exceptional merit is in violation of catena of decisions of several High Courts and the action of the respondents is arbitrary, depriving the petitioner no.1’s right to education guaranteed under Articles 14 and 21 of the

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Constitution of India. Inasmuch as the C.B.S.E. and the State of Bihar ought to consider the consistent academic record, exceptional merit and achievements of petitioner no.1.

10. Mr. Y. C. Verma, learned Senior Advocate for the petitioners placed reliance upon the decision of the High Court of Delhi at New Delhi in the case of **Central Board of Secondary Education Vs. Master Tathagat Avtar Tulsi (Minor)** (L.P.A. No. 33 of 1997) as well as the decision rendered by the High Court of Madhya Pradesh at Jabalpur in Writ Petition No. 13186 of 2025 (**Aarav Singh Vs. Union of India & Others**) and the decision of this Court in **Monark Monalisa through his father Sri Kali Prasad Pal Vs. The State of Bihar & Ors.** (C.W.J.C. No. 10357 of 2008). It is further contended that refusal of the respondent State or the C.B.S.E. to devise or adopt any mechanism for assessing the exceptional merit of a student, despite judicial recognition of such requirement amounts to abdication of duty and violation of constitutional mandate.

11. The petitioner no.1 was subjected to various Neuro Psychological Assessment and he was clinically established superior, intellectual with proven cognitive maturity and exceptional academic ability, hence not allowing him to

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appear in the Board Examination (AISSE), 2026 would jeopardize his career.

12. On the other hand, Mr. Vinay Krishna Tripathy, learned Advocate for the C.B.S.E. has submitted that once in pursuant to the order of this Court, the merit of the petitioner was duly assessed by the Chairman of the C.B.S.E., who did not find any good reason to allow the petitioner to appear in the Board Examination by making relaxation in the minimum age and the said order was also affirmed by the learned Single Judge as well as Division Bench of this Court and the petitioners Special Leave Petition before the Hon'ble Supreme Court also stood dismissed, the present writ petition should not be entertained and the same is an abuse of the process of the Court.

13. This Court after having careful consideration to the submissions advanced by the learned Advocate for the respective parties and taking note of the position of law as well as decision rendered by the learned Benches of the High Court is of the view that the minimum cut off age for getting admission and appearing in the Board examination is provided under the Code/By-laws of the C.B.S.E., but in exceptional circumstances meritorious candidate may be allowed to appear in the Board Examination, even if he/she is under age.

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14. The learned Single Judge in the case of Monark Monalisa (supra) having taken note of the order passed by the Delhi High Court in **Master Tathagat Avtar Tulsi** (supra) has rightly observed that even though there is no mandatory cut off provided but that should not be taken that any one or every one underage can be allowed to appear. Such permission is to be an exception and, thus, being an exception can only be granted in exceptional circumstances of which the Board is the best judge.

15. The object behind prescribing the minimum age for appearing in any examination is required to ensure that the student must possess proven cognitive maturity and foundational knowledge, besides promoting fairness and consistent development align with standard educational progress.

16. The minimum age prescribed for admission in a class and appearing for an examination in no way put an embargo to pursue the education, rather the same is required for holistic development of a student keeping in mind the developmental appropriateness, academic standardization, regulatory compliance as well as physical and social development.

17. The Court in round of litigations has rightly

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held that the decision of the CBSE is to be weighed, who has to apply its mind to assess the merit of a student and if his case is found to be an exceptional, in such circumstances, he may be allowed to appear in the Board examination.

18. The Court cannot delve into the assessment of the merit of a candidate/student, as the same is within the domain of the academician and the teaching experts. Once, the Chairman of the CBSE has come out with the cogent reasons and rejected the prayer of the petitioner no.1, this Court does not find a fresh ground to entertain the writ petition for the same cause of action.

19. Accordingly, the present writ petition stands dismissed. However, no order as to cost.

20. It is made clear that C.B.S.E., who is the best judge to see as to whether the case of the student falls under exceptional circumstances, hence the petitioner no.1, who was admitted in Class-IV at the age of 5 years and 3 months only and he had also been allowed to appear in the Pre-Board Examination of 10th for the Sessions 2024-25 and his performance is outstanding, the claim of the petitioner be considered afresh for the next academic Session in the C.B.S.E. examination, as the petitioner no.1 had made to suffer because

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of the fault of the school, who allowed the admission despite having minimum age for the appropriate class.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2026
Transmission Date	NA

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