

CWP No.13650 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.13650 of 2015
Date of decision:15.07.2015**

Saksham (minor)

...Petitioner

Versus

Board of School Education Haryana & ors.

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

Mr. D.K.Khanna, Advocate,
for respondent no.1 and 2.

Mr. Aseem Aggarwal, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J.

In the 2nd semester examination of 10+2 (Non-Medical), the petitioner secured 455 marks out of 500. Since the petitioner was not satisfied with the result of his English, Physics and Chemistry papers, therefore, he applied for re-evaluation on 09.05.2015 in English, Physics and Chemistry papers, after depositing the requisite fee of ₹1,000/- in each paper. It is alleged that on 12.05.2015, respondents no.1 and 2 amended the Rules as per which respondent no.2 issued a press note to the effect that if the marks of a candidate are increased or decreased in re-evaluation, then the same would be considered.

The case set up by the petitioner is that when he had applied for

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re-evaluation, at that time, the Rule was that if the marks obtained in re-evaluation are found to be less, then the original marks would stand. He has, thus, submitted that the *mandamus* may be issued to the respondents to maintain his original result as in the re-evaluation, the marks of the petitioner has been reduced.

After notice, the respondent-Board has put in appearance and it is submitted by counsel for the Board that the decision was taken in the meeting held on 08.05.2015 that in case the marks are reduced in re-evaluation, then the reduced marks would be considered.

I have heard learned counsel for the parties and examined the available record.

The petitioner had applied for re-evaluation on 09.05.2015. According to him, since the press note came on 12.05.2015, therefore, it would operate prospectively, whereas according to the respondents, the decision had already been taken on 08.05.2015 before the petitioner could have applied for re-evaluation. Thus, the argument raised by the petitioner cannot be accepted that the decision of the respondents would apply prospectively because the decision had already been taken a day prior to the application filed by the petitioner for re-evaluation.

In view thereof, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

July 15, 2015
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(Rakesh Kumar Jain)
Judge