

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 3727 of 2015
Date of decision: 20.08.2015

B.L.Shiksha Niketan Sr.Secondary SchoolPetitioner(s)

Versus

State of Haryana & others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Vivek Khatri, Advocate, for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr.D.K.Khanna, Advocate, for respondent No.3.

G.S.SANDHAWALIA, J. (Oral)

1. The present writ petition has been filed for directing respondent No.3- Board to allow the three students, namely, Garima (10th class), Manisha Bai and Vikas (10 + 2 class) of the petitioner's school to appear in the second semester examination, starting from 04.03.2015 and 05.03.2015, by issuing them admit cards.

2. A Co-ordinate Bench of this Court, on 27.02.2015, passed the following interim order:

“There seems to be no justification for the school in not assigning the enrollment numbers to the students. The counsel produced before me a copy of admission register where the names of two other students are entered who are without enrollment numbers. If this admission to three students have not been done and rules are deliberately breached by omitting to issue them the enrollment numbers, different consequences must follow but they shall still not visit the students with any punishment and putting them through the difficulty for not taking the 2nd semester of 10+2 examination. The petitioner will deposit ₹ 50,000/-, as a security for cost in Court for appropriate action to be taken against the

petitioner in the event of deliberate breach. The deposit shall be done before 02.03.2015 at the Registry. The 3rd respondent shall issue the hall tickets for students which is reported to have been withheld pursuant to the communication dated 05.02.2015.

Notice of motion for 25.03.2015, on proof of deposit of receipt before the Court.

Copy of the order be given dasti under the Signatures of Bench Secretary.”

3. It is not disputed that in pursuance of the said order, the said students have appeared in the examinations conducted in March, 2015. However, their result has been withheld. The dispute lies in a very narrow compass. The said students had been admitted in April, 2014 and thereafter, had been allowed to sit in the first semester examinations held in September, 2014, which would be clear from the admit cards (Annexures P7 to P9) since the same have been issued by the respondent-Board. In pursuance of the said admit cards, the result of the students of +2 was also declared.

4. As per the communication dated 05.02.2015 (Annexure P12), the Board wrote to the school that the enrollment number of three students had not been sent or had been wrongly sent and that roll numbers would not be issued. Vide communication dated 19.02.2015 (Annexure P13), the school mentioned that it was having school code 1298 and the enrollment numbers could not be filled by mistake. Accordingly, a request was made to issue roll numbers. The examinations, at that point, were to start from 04.03.2015.

5. The defence of the Board, which would be clear from the letter dated 25.02.2015 (Annexure R3), is that the allotment of enrollment numbers had to be received 15 days earlier to the commencement of the examination.

6. For the mistake of the school, the students were put to harassment for the Board which took a strict view which forced the school to come to this Court for saving the academic future of the students, which has been protected as per the interim order. In such circumstances, this Court is of the opinion that the interim

order is liable to be confirmed. The school can be put to terms for the lapse on its part.

7. Accordingly, the present writ petition is allowed. The interim order dated 27.02.2015, is made absolute. However, out of the sum of ₹50,000/-, which is deposited as security, a sum of ₹25,000/- will be remitted back to the school whereas the balance ₹25,000/- will be remitted to the respondent-Board, so that the school remains vigilant and does not make similar mistakes in future.

20.08.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE