

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

CWP No.14299 of 2014 (O&M)
Date of decision: 7.1.2016

Preeti

..... Petitioner

Versus

Board of School Education Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Parminder Singh, Advocate, for the petitioner.

Mr. D.K. Khanna, Advocate, for respondents No.1 and 2.

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

RAJESH BINDAL, J

The petitioner has approached this Court seeking a direction to respondents No.1 and 2 to declare her result of 10+2 examination.

Learned counsel for the petitioner submitted that the petitioner after passing her matriculation examination got admission in 10+2. She appeared in the examination, however, her result has not been declared. She was declared passed in all the subjects in matriculation examination except English. She had already filed her application for appearance in the English examination as well. After the result thereof is submitted, respondents No.1 and 2 be directed to declare the result of the petitioner for 10+2 examination.

On the other hand, learned counsel for the respondents submitted that a candidate can be declared passed in 10+2 examination, even if he/she fails in English subject, as the candidate is required to pass his/her matriculation with English as a compulsory subject. Even if, he/she has not passed English as a subject in matric, he/she is entitled to take admission in 10+2, however, the same is subject to the condition that matriculation examination for English has to be passed before the examination of 10+2. In the case in hand, the petitioner has not passed her paper of English as a

subject in matriculation examination, hence, her result for 10+2 cannot be declared. The condition was specifically mentioned in the prospectus issued for admission to 10+2 course.

Heard learned counsel for the parties and perused the paper book.

In the case in hand, the petitioner passed her matriculation examination conducted by Central Board of Secondary Education in the year 2005. Though she was declared passed, however in English language and literature, she was declared failed. In the prospectus issued by the Haryana School Education Board for admission to 10+2 course, it is specifically mentioned that the candidates who passed their matriculation examination from the Board or from any other recognised Board, are eligible. Passing of English subject in the matriculation examination is compulsory. The candidates, who have failed in that subject are permitted to appear for English subject as additional paper of the matriculation level, for that the candidate will have to submit separate application. English as a subject of matriculation level will have to be cleared before examination for 10+2, otherwise, the result of senior secondary shall be cancelled. Relevant clause of the prospectus is extracted below:-

“The students will be legible to seek admission in the Senior Secondary Class, who fulfils the following conditions:-

1. Have passed the Matriculation examination from the Board of School Education or from the other Board recognised by it. In support of it, it is necessary for the students to furnish copy of the certificate, which should contain the detail marks and names of mother and father. It is necessary to pass English subject in Secondary Examination. Such students who have failed in the subject of English in the Secondary Examination can take the English Examination of Secondary Examination as additional subject simultaneously with the examination of Senior Secondary Examination under the Open School. For this purpose, the student will have to submit separate Admission Form and will have to pass the aforesaid subject before passing senior secondary examination, otherwise, the result of senior secondary examination shall be cancelled.” (emphasis supplied)

It is not in dispute the in the present case, the petitioner neither submitted result nor appeared in the English subject paper of matriculation level till such time, she appeared in 10+2 examination. In the light of the condition clearly mentioned in the prospectus, which provides that English as a subject in matriculation level has to be passed before passing the senior secondary level examination and on failure, the result of senior secondary examination is to be cancelled. Considering the aforesaid fact, in my opinion, the petitioner is not entitled to any relief.

The petition is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

7.1.2016

sharmila