

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

**CWP No.12892 of 2016
Decided on :04.08.2016**

Saloni Sharma (minor) through her father Kapil Dutt

... Petitioner

Versus

Union of India and others

... Respondents

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

Present : Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Vinod Kumar Sharma, Advocate for respondent No.1-UOI.

Mr. Harsh Aggarwal, Advocate
for respondents No.2 and 3-Board.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks the quashing of the Clause 2 of the Notice dated 24.05.2016 (Annexure P-2), whereby the Board has provided a staggered method of applying for (i) verification of marks, (ii) obtaining photocopies of evaluated answer books and (iii) re-evaluation.

It is apparent that though this process has a very tight schedule which has been fixed for the candidates, so that the declaration of the 10+2 result can be done at the earliest, but the vested right cannot be taken away on account of the same. The grouse of the petitioner is that for the first step of verification of marks, the period prescribed was from 25.05.2016 to 28.05.2016 and the payment of fee could be made by 31.05.2016. For the second step for obtaining copies of the evaluated answer books, the period prescribed for payment of Rs.700/- per subject was from 03.06.2016 to 06.06.2016.

It is the case of the petitioner that the result of the verification

was only declared on 07.06.2016, whereas Board has held out that it was declared on 06.06.2016 itself, which was the last date for obtaining the photocopies of the evaluated answer books. On account of this late declaration her right to apply for the photocopies was taken away and she would only have applied if the result of verification of marks was not in her favour. Only after the photocopies were available with the petitioner, she would be able to go for third step for re-evaluation, as per the notice.

The purpose is but obvious that the person is able to scrutinize his answer books and then have the option for applying for re-evaluation, after noticing the fault which is apparent on the face of the answer books, which might have been committed by the examiner. It is, thus, the case of the petitioner that on account of the declaration of the result on 06/07.06.2016 of verification of marks, she could not apply for the second step and, thus, has challenged the clause.

Counsel for the respondent-Board has tried to justify that the petitioner is bound by the terms of the notice and had as such taken steps under step (i) of verification of marks and cannot now turn around to challenge the said process.

The said argument is not justified. The Board was under bounden duty to declare the result immediately after the payment had been made on 31.05.2016. If they choose to declare the result only on the last date and prejudiced the candidates from applying, they cannot now hold out that the terms and conditions cannot be challenged. The time table fixed is as such that a candidate who gets the result only on

06.06.2016 i.e. the last date, as has happened in the present case, would not get sufficient time even for applying for photocopies of answer books and then to proceed for third step. Therefore, the valuable right of the petitioner by which she can seek for re-evaluation has been taken away by adopting the said process without giving another window by the Board. In view of the tight schedule, the petitioner could not apply after 06.06.2016 as the process was only by way of online, if the result of verification was not in her favour.

Accordingly, this Court is of the opinion that since the petitioner is aggrieved and has come immediately to this Court on 25.06.2016 for redressal of her grievances, she is entitled to apply for photocopies of answer books of the subjects English Core, Business Studies and Economics.

The petitioner shall apply by way of hard copy by 08.08.2016 and the photocopies of the evaluated answer books will be provided to her by 12.08.2016 by the Board. On supply of the said answer books, the petitioner can apply for re-evaluation by 17.08.2016 way of hard copies.

With the abovesaid observations, the present writ petition stands disposed of.

AUGUST 04, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No