

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24954 of 2012 (O&M)

Date of Decision: 12.04.2016

Krishan Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Hemen Aggarwal, Advocate,
for the petitioners.

Mr. Vaibhav Sharma, DAG, Punjab.

Mr. Viranjeet Singh Mahal, Advocate,
for respondents No.3 & 4.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. Merely because certain observations made in the order of the Division Bench of this Court while disposing of LPA No.239 of 2013 have been expunged by the Supreme Court in its order dated July 12, 2013 in *Council of Secondary Education v. Union of India and others*, bearing SLP No.19939 of 2013 would not detract from conclusions arrived at by this Court in appeal, the ratio sealed with the dismissal of SLP filed by the Council of Secondary Education, Mohali before the Supreme Court affirming by non-interference with the view expressed by this Court holding that the Council is not a recognized institution and therefore cannot confer valid school leaving certificates etc. to its students which certificates and

testimonials are rendered of no consequence for further education in other institutions of higher learning which are duly recognised by the law.

2. The point-in-issue raised in this case is to the validity and efficacy of 10+2 examination conducted by the Council which dispute has not passed muster of judicial scrutiny of this Court applying the tests of recognition and declaring the Council a body not capable of conferring certificates of 10+2 examinations as having been passed. With the failure of the Special Leave Petition before the Apex Court the point in issue is no longer *res integra*. The Council can not take law into its own hands. The Council becomes persona non grata. The declaration of law in the binding judgments is in *rem* and thus *stare decisis* covering all students who read at the schools affiliated to the Council, before and after the decree.

3. No other point was pressed.

4. For the above reason, the petition can not succeed and is consequently dismissed.

(RAJIV NARAIN RAINA)
JUDGE

12.04.2016
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