

CWP No.22211 of 2015

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

**CWP No.22211 of 2015
Date of decision:04.07.2016**

B.L.Shiksha Niketan Senior Secondary School ...Petitioner

Versus

Board of School Education, Haryana and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Mr. D.K.Khanna, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner-school has been permanently recognized for teaching classes 1st to 10+2 (Arts, Commerce and Science) w.e.f. 01.04.2012 by the State Government vide its letter dated 13.07.2012 and it is affiliated with the Board of School Education, Haryana (hereinafter referred to as the "Board"). The admissions were made by the petitioner-school in all the classes at the beginning of the semester in April 2014. Two students, namely, Manisha Bai D/o Gian Parkash and Vikas S/o Sunil took admission in 10+2, whereas one Garima D/o Lalit Kumar took admission in 10th class in the petitioner-school. Since the examination of 10th and 10+2 are conducted by the Board, therefore, the students were registered with the Board including the aforesaid three students. All the three students

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appeared in the first semester examination in September 2014 and passed the same. The petitioner-school sent the examination forms of the aforesaid 3 students for the second semester examination which were to be held in the month of March 2015 but on 05.02.2015, the Board informed the petitioner that it has not sent the enrollment number of the aforesaid 3 students. Realizing its mistake, the petitioner sent a letter to the Board on 19.02.2015 that inadvertently the enrollment number of the said 3 students could not be filled up by them and requested for issuance of roll number/admit cards. Since the admit card was not issued by the Board, therefore, the petitioner filed a writ bearing CWP No.3727 of 2015, in which notice was issued on 27.02.2015 and as an interim measure, all the 3 students were allowed to sit in the final examination of 10th and 10+2 and the petitioner was directed to deposit the security of ₹50,000/- with the Court. The said three students appeared in the final examination of 10th and 10+2 on the basis of the interim order dated 27.02.2015 and passed the same. The aforesaid CWP No.3727 of 2015 was allowed on 20.08.2015, making the interim order dated 27.02.2015 absolute but out of ₹50,000/-, deposited as security, a sum of ₹25,000/- was remitted back to the petitioner, whereas the remaining ₹25,000/- were ordered to be remitted to the Board with the warning to the petitioner-school to be more vigilant and not to commit such mistakes in future. The cause of action to file the present writ petition arose when the respondents passed the impugned order dated 26.09.2015 in respect of the enrollment return submitted by the petitioner of the aforesaid 3 students on 01.09.2015. The Board was of the view that there was a discrepancy in the

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school record and hence, the enrollment of the aforesaid 3 students was refused. At the time of issuance of notice of motion, the following order was passed by this Court on 15.10.2015:-

“Submits that the petitioner had earlier approached this Court in CWP No.3727 of 2015 (Annexure P14) and a penalty of Rs.50,000/- was imposed upon the petitioner to remain vigilant, while making the interim order dated 27.02.2015 absolute, pertaining to the three children, namely, Garima, Manisha Bai and Vikas, for the 2nd semester examination, which was conducted in March, 2015. Now, vide the impugned order dated 26.09.2015 (Annexure 15), unnecessary objection has been raised regarding the same three children that their names figured at two serial numbers in the school register, i.e., for Garima at Sr.Nos.118 and 960, on 18.04.2014 and for Manisha Bai at Sr.Nos.135 and 914, on 28.04.2014. Reference is made to Annexures P15 and P18 to submit that there is an entry serial number wise and their admission numbers are mentioned on the right hand side and it is a practice for all students and thus, there is no discrepancy.

Notice of motion for 02.11.2015.

Dasti as well.”

It is contended by counsel for the Board that all the 3 students were admitted provisionally subject to verification of their documents and insofar as the second semester examination is concerned, it has been taken by the said 3 students under the orders of this Court. However, after checking the documents, it has been found that Garima was admitted on 18.04.2014, whereas the School Leaving Certificate (SLC) has been issued to her by B.R. Adarsh Sr. Sec. School, Sehlang (Mohindergarh) on 13.05.2014. Her admission number is mentioned in the application for enrollment return as 960, whereas in the admission and withdrawn register of the school, she is shown at Sr. No.118. As regards Manisha Bai, it is

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submitted that she was admitted on 28.04.2014, whereas the School Leaving Certificate from her previous school is of 23.02.2015. She has been shown at Sr. No.914 in the admission form, whereas in the admission and withdrawn register, she is at Sr. No.135. As regards Vikas, it is submitted that he was admitted on 29.04.2014, whereas School Leaving Certificate was issued to him by the Narmada Devi Singhanian International School, Pachari Bari, District Jhunjhunu (Rajasthan) on 23.07.2015.

Counsel for the petitioner-school has submitted that insofar as Garima is concerned, in the application for enrollment return, her date of admission has been shown as 18.04.2014, whereas the School Leaving Certificate was applied and issued after her admission. In this regard, he has referred to the School Leaving Certificate, which is attached as Annexure R-2, in which it is mentioned that she had paid the fee of the school upto March 2014 and last attended the school till 31.03.2014, applied for School Leaving Certificate on 12.05.2014 which was issued to her on 13.05.2014 and in respect of the entry at Sr. No.118 and 960, it is submitted that there is an entry made in the column of Sr. No. after the date of admission and a corresponding entry in the column of remarks is also made in respect of the admission number, which is the practice followed in case of all the students. In this regard, he has referred to Annexure P-16 in the case of Garima and Annexure P-18 in the case of Manisha Bai. It is further submitted that all the 3 students have already passed their first and second semester examinations and on account of the mistake committed by the petitioner-school, an adequate penalty has already been imposed by this

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Court vide order dated 20.08.2015 while allowing the CWP No.3727 of 2015.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The only issue involved in this case is about the enrollment of 3 students of the petitioner-school, namely, Manisha Bai and Vikas in 10+2 and Garima in 10th class. The petitioner-school candidly admitted its mistake, noticed by this Court in its order dated 20.08.2015 while allowing the CWP No.3727 of 2015 and imposed a fine of ₹25,000/- on it as the said amount was ordered to be remitted to the Board with a caution to the petitioner-school to remain vigilant in future but insofar as the 3 students are concerned, it has been found by the Court that they had appeared in the first semester examination by the admit cards issued by the Board and there was no discrepancy. On perusal of the record, it is found that the discrepancy highlighted by the Board is regarding the date of admission and the date of School Leaving Certificate, which has been duly explained by the petitioner-school and it is otherwise also evident from the School Leaving Certificate (Annexure R-2) issued by the B.R.Adarsh Sr. Sec. School, Sehlang (Mohindergarh) about the student, namely, Garima had studied in the said school upto 31.03.2014 and paid the fee upto March 2014 and, therefore, she had taken admission on 18.04.2014 in the petitioner-school though the School Leaving Certificate, which was applied on 12.05.2014 and was issued to her on 13.05.2014 after the admission for which there is no fault on the part of the said student. As regards the

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admission and registration number is concerned, the admission and withdrawn register (Annexure P-16) shows the date of admission and Sr. No. of the student, which is not the admission number of the student. There is a specific admission number given in the said register as 960, which is clearly mentioned in the application for enrollment return (Annexure R-1).

Similar is the position in the case of Manisha Bai who had also applied for the School Leaving Certificate after the admission on 23.02.2015 which was issued on the same day, though she had taken admission on 28.04.2015 against admission number 914 while being at Sr. No.135 in the admission and withdrawn register, which has not been completely mentioned by the Board but the petitioner has placed on record its complete copy as Annexure P-18 in which, against Sr. No.135, the admission number is mentioned as 914.

Thus, looking from all angles, this Court is of the considered opinion that there is no discrepancy in the admission of the aforesaid 3 students and hence, the impugned order (Annexure P-15) by which the Board has refused to enroll the aforesaid 3 students, is patently illegal.

Consequently, the present petition is hereby allowed and the impugned order (Annexure P-15) is quashed. It is needless to mention that the Board shall declare result of all the aforesaid 3 students immediately, if not already declared because of the impugned order.

July 04, 2016
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(Rakesh Kumar Jain)
Judge