

CWP-10942-2016

Date of Decision : 26.04.2017

Om Beer

.....Petitioner

versus

Board of School Education Haryana and another

....Respondents

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI****Present:** Mr. Animesh Sharma, Advocate  
for the petitioner.Mr. D.K. Khanna, Advocate  
for respondent No. 1.Mr. Rajvir Singh Sihag, Advocate  
respondent No. 2.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner, Om Beer, has preferred this writ petition seeking a writ in the nature of *mandamus* directing respondent No. 1, Board of School Education, Haryana, Bhiwani, to verify the genuineness of the matriculation certificate issued to the petitioner, Annexure P-1, dated 09.06.2014 so that the petitioners' selection made by Director General of Recruitment, Indian Army can be finalised as it has been stalled for want of verification.

On notice, having been issued to the respondents, reply has been filed by respondent No. 2 admitting that the petitioner has passed the Common Entrance Examination conducted on 31.01.2016 and was declared "in merit" and was provisionally allotted JAT Regimental Centre for being despatched in March, 2016 subject to the verification of educational and other documents by the issuing authorities. It is averred in the reply that respondent No. 2 has received

intimation from respondent No. 1 that out of 32 education certificates which were submitted for verification with respondent No. 1 by respondent No. 2, 14 certificates related to National Open School (NIOS) and 13 NIOS certificates stood verified except for the one which related to the petitioner. The petitioner was accordingly intimated about the aforesaid developments.

After considering the pleadings it is apparent that on account of in action on part of respondent No. 1, the petitioner is not able to undergo the formal procedures for his appointment with the above said regiment.

Respondent No. 1 has also filed the reply. The plea taken by respondent No. 1 is that the result of the petitioner is subject matter of a bunch of writ petitions but the petitioner claims that he is not a party in any of the said writ petitions.

With the assistance of learned counsel for the petitioner and respondents, I have gone through the case of ***Moonlight High School and others versus State of Haryana and another*** in CWP No. 12333 of 2015 and other connected cases of the year. It is an admitted fact that the case of the petitioner does not fall under those writ petitions.

Since the result of the petitioner has been cancelled and he has not obtained any interim order, it will be open to the petitioner to challenge independently the cancellation of his result by filing a separate writ petition. In case, he is able to seek any relief/interim relief regarding the cancellation of his matriculation result, his case will go for

selection/provisional selection subject to the final decision of his writ petition/legal proceedings that can be passed by respondent No. 2.

With the above said observations, this petition is disposed of as infructuous, having outlived its utility, result of the petitioner having already been disclosed without prejudice to the right of the petitioner to challenge the action of respondent No. 1 and to avail benefit from respondent No. 2.

(M.M.S. BEDI)  
JUDGE

26.04.2017  
Neha

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |