

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

**CWP No.5797 of 2017 (O&M)
Date of Decision:28.04.2017**

Mahima (Minor) through Father **.....Petitioner**

Vs.

State of Haryana and others **.....Respondents**

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Varun Sharma, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana for
respondents No.1, 3 and 4.

Mr. D.K. Khanna, Advocate for respondent No.2.

RAKESH KUMAR JAIN, J.(Oral)

CM No.5853-CWP of 2017

This application is filed in order to place on record certain annexures.

Application is allowed. Documents are taken on record.

CWP No.5797 of 2017

This petition is filed for seeking a direction to respondents No.1 to 3 to take examinations of the petitioner of Class 12th (Senior Secondary) of Hindi (Core) subject instead of Hindi (Elective) which was allegedly taken by mistake by the respondents on 9.3.2017.

Shorn off unnecessary details, counsel for the petitioner has admitted that the petitioner has been issued roll number in the subject Hindi (Elective) which was opted for the examination. It is also an admitted fact that the petitioner had appeared in the Hindi (Elective) exam, however, it is

submitted that she had lodged the protest with the school authorities which was orally turned down.

On the other hand, counsel for respondent No.4 has submitted that the petitioner never lodged any complaint and in this regard has made the statement on the instructions received from Rajinder Singh, a teacher of the school, who is present in the Court. She has also submitted that the petitioner herself appeared in the Hindi (Elective) subject and now she has turned around to allege that she had opted for Hindi (Core) subject, therefore, she could not be made to suffer because of the mistake on the part of the school.

Counsel for the petitioner, in rebuttal, has submitted that he had sought information under the RTI Act from the school in which the petitioner has been informed that there is no tutor to teach Hindi (Elective) in the school and Hindi (Elective) has been wrongly mentioned in her form because of the fault in the computer.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that since the petitioner has already taken exam of Hindi (Elective) without any protest at that time, therefore, she cannot make a hue and cry now for the purpose of seeking fresh examination of Hindi (Core) subject. If the petitioner was really not interested in taking the exam of Hindi (Elective) and was interested in taking the exam of Hindi (Core) only, she should have lodged a protest both before the School and the Board so as to allow her to appear in the relevant subject, i.e. Hindi (Core) as stated instead of Hindi (Elective). In the absence of any evidence, having been led by the petitioner to the effect that

she has ever lodged any complaint either to School or Board, which is the examining body, the protest by this petition cannot be entertained.

With these observations, I do not find any merit in the present petition and the same is hereby dismissed.

April 28, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No