

Sr.No.108

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

LPA-1906-2017(O&M)

Date of Decision: 18.12.2017

Sonu and others

.....Appellants

VS.

Board of School Education Haryana and others

....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present:- Mr.Pankaj Maini, Advocate for the appellants.
Mr.K.K.Gupta, Advocate for respondents no.1 and 2.

-.-

MAHESH GROVER, J (ORAL)

CM-4143-LPA-2017

CM is allowed, as prayed for.

Documents are taken on record subject to all just exceptions.

CM-4144-LPA-2017

For the reasons recorded in the application, delay of 66 days in
filing the appeal is condoned.

Main case

The appellants are in appeal against the judgment of the learned
Single Judge dated 04.08.2017 and the order passed in review petition by the
writ Court dated 04.10.2017.

In brief, the grievance of the appellants as writ petitioners was
that a decision had been taken on 05.12.2016 changing the examination
system from semester to annual with the benefit of compartment / re-appear
available only to those students who had failed in not more than one subject.

LPA-1906-2017-(O&M) -2-

The writ petitioners stated that this ought to have been prospective w.e.f the future academic year and could not be applied to them. The writ Court on perusal of the affidavit of Mr. Anil Nagar, HCS Secretary, Board of School Education, Haryana and Annexure R1 appended to it noticed that the decision about the change in regulation was taken on 05/06 December, 2016 and instantly put on website. The forms for the examination were obtained on December 26, 2016 and examination conducted in March 2017 with the result following on 22.05.2017. The matter was got examined from a committee when the issue was raised in a review petition who opined that the actual intent of the clause specifying its applicability w.e.f 2017-2018 pertains only to class XI and thus it would apply only to those students but so far as students of class X are concerned, the condition of compartment / re-appear would be applicable only to those who had not failed in more than one subject.

In view of this clarification which has been rightly noticed by the learned Single Judge, we would have no cause to differ to accept the appeal.

No ground to interfere with the impugned order is made out.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

18.12.2017
mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No