

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

CWP No. 12208 of 2018

Date of Decision:-17.05.2018

Aryan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Lalit Pathak, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

RAKESH KUMAR JAIN J.(Oral)

This petition is filed against the order dated 28.2.2018 (Annexure P-3) by which name of petitioner has been struck off from the roll of the institution w.e.f. 01.3.2018 on account of continuous absence of 14 working days. It is further mentioned in the said order that his name cannot be re-admitted since he cannot complete 70% attendance in the remaining period of current session.

This petition was listed on 15.5.2018 and was adjourned to 16.5.2018 on the request of counsel for the petitioner and on 16.5.2018 notice of motion was issued and on the same day the State counsel asked to accept notice and seek time to file reply by 17.5.2018. The case was also listed in the urgent list. It is submitted that the petitioner has got admission

in BKN Government Polytechnic, Narnaul as a student of civil engineering. Since it is a Government institution, therefore, it is submitted that the rules of the Haryana State Board of Technical Education are applicable.

Learned counsel for the petitioner has submitted that at the time of notice of motion, it was submitted that the respondents have passed the order in terms of Chapter 3 governing the rules for eligibility procedure for examination much less in reference to Clause 3.1(2) attendance (XII) which provides that the name of the candidate shall be struck off the rolls if he/she absent(s) himself/herself for 14 consecutive working days, without permitted leave. Learned counsel for the petitioner then referred to Clause 3.1(2)(i) to contend that the respondents could have consider the case of the petitioner for the purpose of his eligibility to take the exam which is scheduled to be held on 18.5.2018 if the petitioner has the attendance more than 70%. In view of this argument, learned State counsel was asked to inquire from respondent No.3 about the total attendance of the petitioner.

Mr. Saurabh Mohunta, learned DAG, Haryana has submitted that as per his information gathered from respondent No.3, the petitioner was directly admitted to 3rd semester. In 4th semester he has attended the classes only for one day whereas there are 75 days of studies. It is further submitted that everyday there are eight lectures, therefore, the petitioner has only attended eight lectures in the session pertaining to 4th semester and had not attended 74 days multiplied by eight lectures. Thus, it is submitted that the attendance of the petitioner was not 70%.

Learned counsel for the petitioner could not answer this

argument raised by learned State counsel and has only made a prayer on equity.

I have heard learned counsel for the parties and after taking into consideration the aforesaid circumstances, am of the considered opinion that the Court can show equity in a case where the error on the part of the petitioner is marginal but here is a case in which the error on the part of the petitioner is huge which cannot be condoned in any manner. If such type of cases are allowed, it will give wrong message to the other students who would also after committing such type of mistakes take the shelter of the Court for favourable orders.

Thus, in order to curb this kind of menace in the education system, the present petition is hereby dismissed though without any order of costs.

May 17, 2018
Vijay Asija

(**RAKESH KUMAR JAIN**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No