

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.18092 of 2017 (O&M)
Date of Decision: 29.01.2018

Kuldeep Singh

. . . . Petitioner

Vs.

Punjab School Education Board

. . . .Respondent

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

Present: Mr.PKS Phoolka, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for a writ in the nature of certiorari for quashing the order dated 9.4.2013 which has allegedly been passed on the basis of an enquiry dated 31.1.2013 by which recommendations have been made for cancelling the result of 10+2 examination alleged to have been taken by him.

The petitioner is an employee of UCO Bank. He had allegedly appeared in 10+2 examination conducted by the Punjab School Education Board. One Rajinder Pal Singh son of Maghar Singh resident of Village, PO Bhutta, Tehsil and District Ludhiana made a complaint against the petitioner that an imposter had taken the examination of the petitioner as he was present in the bank on the date of examination. Enquiry was held on the said complaint. The result of the petitioner was cancelled vide impugned order dated 9.4.2013. He had filed CWP No.11655 of 2014 which was withdrawn by him on 30.5.2014 in which the following order was passed: -

“After arguing for some time, counsel for the petitioner submits that in pursuance of the enquiry proceedings, the Board has taken a decision which will be required to be challenged. Accordingly, he prays that the writ petition may be dismissed as withdrawn with liberty to file fresh one on the same cause of action

Ordered accordingly.”

Thereafter, the petitioner filed another CWP No.20500 of 2014 which was also withdrawn on 11.1.2017 in which the following order was passed: -

“Learned counsel for the petitioner has submitted that this petition has become redundant at this stage, as the enquiry report dated 12.8.2013 has been accepted and the result of the petitioner has been cancelled regarding his 10+2 examination.

Consequently, learned counsel for the petitioner prays for withdrawal of the petition in order to avail his other remedy to challenge the cancellation order.

Dismissed as withdrawn.

Liberty granted.”

Despite the aforesaid two orders, the petitioner has filed this petition to challenge the order of cancellation of his result.

I have heard learned counsel for the petitioner and perused the available record.

The result of the petitioner was cancelled because of the case of UMC (Impersonation). The petitioner has failed to find fault with the enquiry report which has been accepted by the Chairman of the respondent-Board. Moreover, the petitioner had withdrawn CWP No.20500 of 2014 to avail his other remedy to challenge the cancellation order. He cannot avail writ petition again to challenge the cancellation order dated 9.4.2013, therefore, the petitioner has apparently misused the process of law besides the fact that there is no merit in his petition in view of the finding of fact recorded in the enquiry against him.

Dismissed.

29.01.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No