

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16527 of 2018
Date of Decision:03.08.2018

Davinder Kumar

. Petitioner

Vs.

Punjab State Board of Technical Education and Industrial Training and
others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Surinder Thakur, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner had earlier approached this Court by way of CWP No.17608 of 2016 when his legal notice dated 1.2.2014 was not being addressed by the respondents. The said writ petition was disposed of by this Court on 29.8.2016 with the following order: -

“Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Learned counsel for the petitioner submits that when the genuine grievance of the petitioner was not being redressed by the respondent authorities, he finally approached the respondent authorities by way of legal

notice dated 01.02.2014 (Annexure P-18), but the same is also pending decision. He further submits that the petitioner will be satisfied in case respondent no.1 is directed to consider and decide the legal notice of the petitioner, within a reasonable time.

Having heard learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the Director, Punjab State Board of Technical Education and Industrial Training, Chandigarh-respondent No.1 is directed to look into the matter, consider the grievance of the petitioner raised in his legal notice dated 01.02.2014 (Annexure P-18) and decide the same at an early date, by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of three months from the date of receipt of certified copy of this order.

With the above said observations made and directions issued, instant writ petition stands disposed of.”

Thereafter, the respondents had passed a detailed order on the legal notice of the petitioner. The relevant part of the impugned order dated

19.7.2017 by which the demand raised by the petitioner in legal notice was rejected, read as under: -

“At the very outset he had claimed that his client was a brilliant student of electronics and communications Diploma Course, but in fact Shri Devinder Kumar passed the first year of the Diploma course in seven attempts i.e. during the period June 92 to June 95. Although he was not eligible to sit in second year class; he filed a Civil Writ Petition (CWP 7268 of 1994) before Honorable Punjab and Haryana High court in which he was allowed temporarily to sit in the second year classes by the Honorable High Court. As he was having short of Lectures, he was detained to appear in second year exams. The aforesaid CWP was eventually disposed on 16.2.1994 with a direction that if he did not passed the 1st year examination in Feb 1994 examination then he will be out of institution. Thereafter, in the light of directions of the Honorable High Court and the rules and regulations regarding examination of the Punjab State Board of Technical Education and Industrial Training, he could take fresh admission only in the second year whereas he asked for admission

in the third year. Thereafter he took up the matter with Director Technical Education asking for admission in the third year but he was asked to give an affidavit that the Punjab State Board of Technical Education will examine the matter and the decision of the Board will be acceptable to him. Shri Davinder Kumar did not give the requisite affidavit. Thereafter in the year 2006 a representation was given by him to the board, considering the representation the board allowed to him re-admission as a special case in 5th semester in Govt. Polytechnic College, Hoshiarpur vide letter No.Read/Letter/06/1836 dated 19.09.2006. However even after his re-admission in 5th semester, he cleared 3rd semester in May semester in May-2009 and 6th semester in dec-2008, and finally cleared his diploma in May-2009, after series of attempts.

In the aforesaid circumstances neither there is any lapse on the part of Board not he was mentioned any lapse on the part of Board in this regard. Hence on merits the contents of para 1 to para 6 of the legal notice was wrong incorrect and hence denied. The original certificate of his diploma course had

already been sent to his institution for further necessary action as per the norms, rules and regulations of the Board by following the due procedure.

It is also pertinent to mention here that the claim/compensation with regard to sum of Rs. one crore being demanded in notice of demand for justice qua the Board is hereby rejected being devoid of any merit as there is no lapse/deficiency on part of Board.”

Learned counsel for the petitioner has submitted that the petitioner was a brilliant student whose career has been spoiled by the respondents and has also submitted that the certificate was issued to him on 18.7.2017.

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

The brilliance of the petitioner can be easily judged from the fact that he could not clear his first year of diploma course in seven attempts during the period from June 1992 to June 1995. He was allowed provisionally to attend second year course in view of the order passed by this Court in CWP No.7286 of 1994. He was detained in the second year on account of shortage of lectures and while disposing of CWP No.7268 of 1994 direction was issued that if he did not pass 1st year examination in February 1994 then he would be asked to leave the institution.

In this background, the petitioner cannot blame the respondents and claim compensation to the tune of ₹1.5 crore. Therefore, keeping in

view the facts and circumstances, I do not find any merit in the present petition and the same is hereby dismissed.

03.08.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*