

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

CWP No.6069 of 2018
Date of Decision:02.04.2018

Gurleen Kaur

. Petitioner

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Amrinderjit Singh Sandhu, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 02.11.2017 by which her result of the senior secondary examination of the year 2016 is maintained and of the year 2014 is cancelled and for the issuance of a writ in the nature of mandamus to direct respondent No.3 to issue Detail Mark Card (DMC) of Senior Secondary Examinations (Commerce Stream) of the examination passed by her in the year 2014 from respondent No.7 which is affiliated to respondent No.3.

In brief, the petitioner submitted her examination form for appearing in senior secondary examination in March 2014 as a regular candidate of Sant Suba Singh S. Hari Singh Senior Secondary School, Nandpur, District Tarn Taran. The said form was signed by the petitioner and was attested by the Principal of the school. The said form contained the name of the petitioner with her father's name as Lavender Singh, mother's

name as Manjinder Kaur and registration No. B-09-TTN-S-219714 and was bearing a photograph of some other girl. Neither the petitioner nor the School brought the mistake to the notice of the Punjab School Education Board [for short 'the Board'] but the said mistake was brought to the notice of respondent No.6/School to which the officials of respondent No.6/school asked the petitioner to appear in the examination assuring her that the mistake would be rectified later on. On the basis of the admission form, roll number was issued to the petitioner and after the examination her result was declared as passed with 284 marks out of 450. Respondent No.6, thereafter wrote a letter dated 5.5.2015 to the Board for the change of particulars and photo of the petitioner without mentioning any reason for the said change. In this regard, the Board issued a registered letter No. RP341155535IN dated 7.5.2015 and sought explanation for the reasons for the change in particulars after a gap of one year but the school did not reply. Thereafter a reminder was sent by the Board to the school vide registered letter No. RP50367833IN dated 21.8.2015 but again the school did not reply. The father of the petitioner appeared in Sangat Darshan of Deputy Chief Ministry of Punjab and submitted an application for change of particulars which was sent by registered letter No.RP476138125 dated 30.09.2015 and was received on 16.10.2015 in the Examination Branch, Section C-42 vide 3363/ASRX3. On the basis of the said letter last and final reminder was sent by the Board to the school by registered post vide letter No.RP50369054IN, dated 21.10.2015 to which the school sent an explanation vide letter No. TT/217 dated 2.11.2015 and after considering the same, the Secretary of the Board vide letter dated 1.12.2015 declined the change of photo, mother's

name and father's name etc. The petitioner challenged the order of rejection by way of CWP No.18019 of 2016 titled as "*Gurleen Kaur Vs. State of Punjab and others*" which was allowed, the order dated 1.12.2015 was set aside and a direction was issued to re-examine the prayer in the light of the observations made by the Court.

Apropos, the matter was re-examined but in the meantime, the petitioner had appeared in the same examination second time with the following particulars:

Name	:	Gurleen Kaur
Roll Number	:	2016165622
Father's Name	:	Surinder Singh
Mother's Name	:	Maninderpal Kaur
Registration Number	:	B-09-TTN-P-315331

She cleared the examination by scoring 322 marks. Now the position was that the petitioner had passed the senior secondary examination in 2014 with 284 marks and the same examination in 2016 with 322 marks. However, the Board found that the examination taken by the petitioner in the year 2014 was with all the wrong particulars like the name of her father was mentioned as Lavender Singh instead of Surinder Singh, name of her mother was mentioned as Manjinder Kaur instead of Maninderpal Kaur, registration number was mentioned as B-09-TTN-S-219714 instead of B-09-TTN-P-315331 and there was a different photograph on the form. The Board found that in spite of repeated reminders, the school did not correct the alleged mistakes and allowed the petitioner to take the examination in the year 2014, therefore, the Board was of the view that the petitioner as well as the school

has played a fraud but keeping in view the fact that the particulars given by the petitioner in the examination held in March 2016 was matching with her details of the examination held in 8th standard examination in the year 2008 and 10th standard examination held in the year 2012, her result of 12th standard examination taken in the month of March, 2016 under Roll No.2016165622 in which she has got 322 marks out of 450 was upheld but her result of 2014 was cancelled. It was also held that the action would be taken against the school under affiliation by laws.

Learned counsel for the petitioner has submitted that the petitioner is not at fault because the form was sent by the school and has also submitted that by cancelling the result of the year 2014, the petitioner would suffer as she has studied thereafter on the basis of the said result.

In the reply filed by the respondents in CWP No.18019 of 2016, it is submitted that the petitioner herself had signed her form in the year 2014 which was attested by the principal of the school, therefore, she cannot make an excuse of her ignorance about the wrong particulars mentioned in the form in which not only the name of her parents was wrongly recorded but her registration was also wrongly mentioned and even the photograph appended with the form was of some other girl.

I have heard learned counsel for the petitioner and after examining the available record, am of the considered opinion that all the errors cannot be ignored and therefore, the Board has rightly taken a decision that the examination taken by the petitioner in the year 2014 under different registration number, mentioning different parentage and also by putting a photograph of different girl cannot be accepted and has rather

showed its magnanimity in accepting the result of the year 2016 in which the petitioner had again appeared with the correct address.

In view of the above, there is hardly any error on the part of the respondents for which any interference is required by this Court. Hence, the present petition is hereby dismissed without any order as to costs.

02.04.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No