

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.6978 OF 2018

DATE OF DECISION: DECEMBER 14, 2018

Parkash KaurPetitioner

Versus

State of Punjab and othersRespondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.TPS Makkar, Advocate for the petitioner.

Ms.Rukhsaar Dhindsa, AAG Punjab.

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TEJINDER SINGH DHINDSA, J.

Petitioner, who belongs to the B.C.category and suffers from a disability element assessed at 90%, appeared in the PSTET-I conducted by the State Council of Education Research and Training, Punjab on 25.2.2018. Petitioner was allotted the Centre i.e. Arya Model Senior Secondary School, Arya Samaj Chowk, Bathinda for the aforesaid examination.

The precise grievance set forth in the petition is that as per instructions/guidelines at Annexure P4 (colly), a physically disabled candidate having disability element of at least 40% is to be granted 20 minutes compensatory time per hour for attempting the question papers. Counsel has argued that PSTET-I examination conducted on 25.2.2018 was of 2-1/2 hours duration

and, as such, under the instructions at Annexure P4, petitioner had a vested right to be given 50 minutes additional time to attempt the paper. It is argued that at the end of 2-1/2 hours normal time period, the answer script on which the petitioner was attempting the paper was snatched away thereby denying to her the compensatory 50 minutes that she was entitled to and which has worked to her detriment and prejudice. Further contended that in the result which has been declared, the petitioner has secured 77 marks and the eligibility for the B.C.category has been determined as 82 marks.

Prayer is made that in such peculiar circumstances, her answer sheet should be assessed by giving leverage in respect of the compensatory time which was not given to the petitioner.

Upon notice of motion having been issued, a written statement on behalf of respondents No.1 and 2 has been filed and placed on record.

Learned State counsel does not dispute the applicability as also contents of the instructions at Annexure P4, but takes a stand that at the time of examination, petitioner had not sought the compensatory time. Reliance has been placed upon a report of the Superintendent of the Centre where the petitioner had appeared for the examination appended as Annexure R1/2 along with the reply and as per which, four handicapped candidates appeared in the Centre and none of them had demanded the compensatory time to complete the paper.

Clearly, the instant writ petition raised a disputed

question of fact. Petitioner contends that compensatory time to attempt the paper was denied and her answer sheet had been snatched away after the lapse of normal duration of 2-1/2 hours. To the contrary, stand on behalf of the State is that the petitioner had not sought for compensatory time.

This is an issue which cannot be adjudicated upon and decided by this Court in exercise of its extra-ordinary writ jurisdiction. Evidence would have to be led at the hands of the petitioner to substantiate the plea that at the end of the normal duration of time of PSTET-I examination held on 25.2.2018, her answer sheet was snatched away by the Examination Superintendent and consequently, she had been denied the benefit of compensatory 50 minutes to complete the paper being a disabled candidate having disability to the extent of 90%.

Under such circumstances and while declining to interfere in the instant petition, liberty is granted to the petitioner to take resort to her civil remedies in accordance with law.

Disposed of.

DECEMBER 14, 2018
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note:	<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
	<i>Whether Reportable:</i>	<i>Yes/No</i>