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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17962 of 2019

Date of decision: 23.09.2019.

Shubham

.... Petitioner

Versus

Board of School Education Haryana and another ...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. G.S. Cheema, Advocate and
Mr. Himanshu Raj, Advocate for respondent No.1.

Mr. Gaurav Mohunta, Advocate for respondent No.2.

B.S. WALIA, J. (Oral):

1. Learned counsel for respondent No.2-College states that the petitioner had taken admission in Diploma in Elementary Education in respondent No.2-College in the year 2017 but was not allowed to appear in the first year examination on account of shortage of lectures with the attendance of the petitioner being 44.95% as against requirement of having minimum of 75% relaxable upto 60%. Learned counsel for respondent No.2 further contends that the college informed the Board of School Education Haryana not to issue the roll number to the petitioner on account of shortage of lectures but due to inadvertence, roll number was issued by the Board to the petitioner as a result of which the petitioner appeared in the first year examination and that although result of the first year examination was declared in

October, 2018, the result of the petitioner was not declared and vide Annexure R2/1 dated 14.11.2018 i.e. communication from the Board to respondent No.2-College, the result of the petitioner was cancelled. In the meantime, the petitioner was allowed to attend classes of the second year but was not allowed to appear in the examination on account of shortage of lectures in the first year. In the circumstances, the petitioner invoked the jurisdiction of this Court and was provisionally allowed to appear in the Regular Examination of Diploma in Elementary Education 2nd Year commencing from 10.07.2019 subject to outcome of the writ petition with the further direction that result of the petitioner would not be declared without the permission of the Court.

2. Sole argument of learned counsel for respondent No.2-College is that in the absence of setting aside of the order of cancellation of result of the first year of the petitioner, the writ petition even if allowed would be of no avail.

3. Faced with the aforementioned position, learned counsel for the petitioner prays for permission to withdraw the writ petition with liberty to file fresh writ petition with better particulars so as to challenge the cancellation of the result of the petitioner of first year i.e. Annexure R2/1.

4. Learned counsel for the respondents state that they have no objection to the prayer made by learned counsel for the petitioner.

5. In view of the position as noted above, the writ petition is permitted to be withdrawn with liberty to the petitioner to file a fresh writ petition with better particulars as well as to make a challenge to

order Annexure R2/1 dated 14.11.2018, cancelling the result of the petitioner of the first year of the Diploma in Elementary Education. In the circumstances, declaration of result of the petitioner of the 2nd year of Regular Examination of Diploma in Elementary Education would be subject to the outcome of the writ petition, if any, filed by the petitioner, as above.

(B.S. Walia)
Judge

23.09.2019
rajesh.k.khurana

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |