

Civil Writ Petition No. 1100 of 2019

Date of Decision: February 03, 2020

Parveen Kumar

....petitioner

Versus

Presiding Officer, Permanent Lok Adalat and others

.....respondents

CORAM: HON'BLE MRS.JUSTICE LISA GILLPresent: Mr. Jai Singh Yadav, Advocate
for the petitioner.

Lisa Gill, J.

This petition has been filed challenging order dated 06.12.2018 passed by the Permanent Lok Adalat, Public Utility Services, Rewari whereby the petitioner's application under Section 22C of the Legal Services Authorities Act, 1987 (for short – the Act') has been dismissed with liberty to the petitioner to take recourse to the remedies as may be available to him.

The petitioner in his application under Section 22C of the Act pleaded that he was admitted for the course of MA (Geography) with C.R.M. College of Education/District Education, Rojhuwas – respondent No. 3 for the session 2011-12. The petitioner also took the exams for the second year but the detail marksheet was not issued by the respondents till the institution of the application, despite several representations including a legal notice. The respondents categorically asserted that the petitioner had not appeared in one of the practical examination and it is due to this fact he was reflected as absent in the paper. As per the result, which was declared and displayed on the University website on 20.09.2013, the petitioner was to re-appear for the examination. It is further the respondent's case that the petitioner re-appeared in the practical examination in 2016 after depositing

the requisite fee. The petitioner, however, contended that he suffered not only financial loss but three years of his academic career. Learned PLA observed that the petitioner could not substantiate his averments by any evidence on record whereas the respondents duly proved that the petitioner never appeared in the practical examination initially, due to which his detail marks sheet could not be issued. The petitioner's application was, accordingly, dismissed with liberty to the petitioner to institute proceedings before the appropriate Court/Forum.

I have heard learned counsel for the petitioner and have gone through the file.

Learned counsel for the petitioner is unable to deny that there is no averment much less any document on record to indicate that firstly the practical examination was indeed taken by the petitioner at the outset and secondly that the result declared and displayed on the University website on 20.09.2013 did not reflect a 'Re-appear' qua the petitioner. Though it is argued that it was the duty of the respondents - College and University to have intimated the petitioner regarding holding of a practical exam, if any, learned counsel for the petitioner is unable to point out any document on record to indicate that such notification was not there and that it is due to this reason that the petitioner could not appear in the practical exam. Furthermore, a perusal of the petitioner's application under Section 22C of the Act attached as Annexure P5 also reveals that the averments therein are deliberately evasive to the extent, that it is not even mentioned whether the petitioner actually took the practical exam or that he was prevented from taking such an exam due to any shortcoming on the part of the respondents.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to interfere in the impugned order dated 06.12.2018.

This writ petition is, accordingly, dismissed being devoid of merit. Needless to say, the petitioner is at liberty to avail any remedy/remedies as may be available to him in accordance with law.

February 03, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No