

**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

Sr. No.226

**CWP-1217-2019 (O&M)**  
**Date of decision : 18.2.2020**

Ekta Yadav

..... Petitioner

**VERSUS**

Board of School Education Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Sudhir Rana, Advocate, for the petitioner.

Mr. Rajesh K. Sheoran, Advocate, for respondent No.1.

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**SUDHIR MITTAL, J. (Oral)**

The petitioner is a student of Diploma in Education, which is a two years course. She took the first year examination in July 2017, but she was dis-qualified for one year as she had been found using unfair means. Her mercy letter dated 26.10.2017 was rejected. Thereafter, according to the petitioner, she deposited fee for re-appearing in the first year and simultaneously, took admission in the second year. This was done in the year 2017, itself. She took both examinations in July 2018, but the result of the first year only was declared on 26.10.2018. Thereafter, the petitioner took the second year examination in July 2019, but the result of the said examination has also been withheld as the petitioner was again found using unfair means.

The writ petition has been filed for direction to respondent No.1 to declare the first year and second year examination result.

The first year examination result has already been declared and thus, the prayer in this regard has been rendered infructuous. Regarding the

second year result, learned counsel for the petitioner submits that allegations of unfair means have been levelled against the petitioner on account of bias.

Learned counsel for respondent No.1 submits that the petitioner was caught in a case of mass copying. All the students sitting in the room, in which the petitioner was taking the examination, were found to be copying and thus, she was booked for adopting unfair means. Allegations of bias are false.

Learned counsel for the petitioner has not been able to substantiate his argument regarding bias with any proof or allied material. Thus, the argument cannot be accepted.

Learned counsel for the petitioner then submits that the petitioner had taken admission in the second year in the year 2017, itself. Fee was also paid by her and the same was accepted and roll number was issued. Thus, action of not declaring the result of the second year examination taken in July, 2018 was illegal.

Learned counsel for respondent No.1 has refuted the aforementioned contention by submitting that the fee was charged by respondent No.2-college and a list of students was sent to respondent No.1-Board by respondent No.2-college. On receipt of list of candidates, roll numbers were issued and at that stage, respondent No.1-Board, was not aware that the petitioner could not be admitted to second year having failed in the first year examination. The fault lies with respondent No.2-college, but no benefit can accrue to the petitioner because the rules prohibit admission to a student in the second year unless and until, he/she passed the first year examination.

From the submissions of learned counsel for the parties, it is

examination rules/bye-laws, a student cannot be permitted to take admission in second year unless and until, he/she had completed the first year. Thus, the action of respondent No.1-Board in cancelling the second year examination of the petitioner taken in July, 2018 cannot be faulted.

The writ petition has no merit and is dismissed.

**(SUDHIR MITTAL)**  
**JUDGE**

**18.2.2020**  
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No