

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

113

CWP-11775 of 2020
Judgment Reserved on 15.10.2020
Date of Pronouncement :- 16.10.2020

Manpreet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Fatehjeet Singh, Advocate for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Dharam Vir Sharma, Senior Advocate with
Mr. Harit Sharma, Advocate for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

The hearing of this petition has been taken up through video conferencing due to outbreak of Coronavirus (Covid-19).

Petitioners are students of 10th class of Open Schooling Mode of Punjab School Education Board-respondent No.2. Their final examination was scheduled to be held in March, 2020. After examination of one paper was conducted, a national lockdown and curfew was imposed due to the outbreak of Corona Virus and respondent No.2 by a press note dated 30.03.2020, postponed all the examinations. By a Public Notice dated 29.05.2020, respondent No.2 declared the results of the students of 5th, 8th, 10th class regular and re-appear students, and informed the students of Open School (Regular and Re-appear) that their papers will

be held later. Petitioners have approached this Court for directing respondent No.2 to declare their result due to the prevailing situation, which has arisen on account of spread of contagion. They have pointed out that the results of 10th class regular students and 12th class regular as well as Open School have been declared and they have been promoted.

Counsel for the petitioners has placed reliance upon the order dated 15.07.2020 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.632 of 2020 titled as **Neil Varun Namburu vs The National Institute of Open Schooling & Ors.**, Annexure P-4, as well as Notification No.19/2020 dated 10.07.2020, Annexure P-11, whereby the examination of the National Institute of Open Schooling were cancelled.

Upon notice being issued, respondent No.2 has filed a short affidavit, wherein it has been stated as under:-

“2. That the Punjab School Education Board (hereinafter referred to as the Board) has conducted the 10th and 12th classes examination in March, 2020. In the case of 10th Class, examination only in Punjabi “A” paper could be conducted and in the case of 12th Class, examination for 2-3 papers was held. Thereafter, on 23rd of March, 2020, Curfew was imposed in the State of Punjab due to Covid-19.

3. That the Board had taken a policy decision to declare the result of the 12th class by taking the average of 2 or 3 subjects and by adding the marks of Continuous Comprehensive Evaluation of the regular students as well as open school students. In the case of 10th class open Schooling Mode, there is no Continuous Comprehensive Evaluation also known as internal assessment marks. Examination of only Punjabi Paper

“A” could be held for the regular students as well as the students of Open Schooling Mode. Because of COVID-19, examinations of no other papers could be held. Therefore the result of 10th class has been declared by taking into considerations the marks secured in the Continuous Comprehensive Evaluation of regular students.

4. That as regards the Open School students are concerned, in their case no Continuous Comprehensive Evaluation is done because of which in their case average of marks of the students cannot be worked out. Therefore, the Board is waiting for the conduct of the examination for the remaining papers as and when the situation improves, possibly in the month of September and October.

5. That petitioners have relied upon order of the Hon’ble Supreme Court of India in Writ Petition (Civil) No.632 of 2020 – Neil Varun Namuru vs the National Institute of Open Schooling & Ors. Firstly, it is not a judgment, the ratio of which could be applied. Secondly, in this case the National Institute of Open Schooling has issued a notification on 10th of July, 2020 for declaring the results. However neither from the averments in the writ petition filed by the petitioners nor from the orders attached as Annexure P-4, it is clear that the result was declared only on the basis of one paper. Therefore the order Annexure P-4 cannot be taken to be a binding precedent (sic precedent) as alleged by the petitioners.”

During the pendency of this petition, respondent No.2 placed

the Court that Class 10th Annual Examination of March, 2020 (Open School) and other examinations which were postponed are scheduled to be held from 26.10.2020 to 11.11.2020. During the course of hearing on 14.10.2020, counsel for respondent No.2 assured the Court that the examinations will be held while adhering to all the safeguards and after taking all due precautions as notified by the Government of India. He has filed a further additional short affidavit dated 14.10.2020, wherein it has been deposed that while conducting the examinations the norms as laid down by the Government of India and followed by the State of Punjab for wearing masks, maintaining social distancing and other SOPs shall be followed and necessary steps in this regard have already been taken.

In view of the above, the Court is satisfied that no direction, as sought for, deserves to be issued.

There is no merit in the petition and the same is accordingly dismissed.

(SUVIR SEHGAL)
JUDGE

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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No