

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17480-2020

Date of decision : October 26, 2020

ASSOCIATION OF NCTE APPROVED COLLEGE TRUSTPetitioner

Versus

BOARD OF SCHOOL EDUCATION HARYANA AND ANRRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parveen Gupta, Advocate for the petitioner.

Mr. K.K. Gupta, Advocate for respondent No. 1.

Mr. Ashish Yadav, Addl. AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner, 'Association of NCTE Approved College Trust', seeks quashing of the schedule of exams for Diploma in Elementary Education (for short – 'D.El.Ed.') as notified on 09.10.2020 (Annexure P1). It is prayed that an option should have been offered to the students to take the examinations via the onlinemode, due to outbreak of the pandemic, COVID-19. It is pleaded in the writ petition that there are a large number of students taking the examination of Diploma of Elementary Education in the State of Haryana, who belong to the states of UP, Bihar, Rajasthan and other far flung States. In the present circumstances, it is submitted, the students would not be able to travel from other States to the State of Haryana nor make proper arrangements for their stay for the duration of the examination.

Learned counsel for the petitioner vehemently argues that in today's day and time, it is imperative that an option be afforded to the students to take the examination via online mode as well, so as to avoid chances of any infection. Compelling the students to take the examination physically at the examination centres, it is submitted, is illegal, unjust, unfair and unconstitutional, therefore, the schedule of the examination should be set aside or in the alternate, even as of now, necessary arrangements be made by the respondent – Board, to facilitate the students to take the examination online as per the announced schedule. It is, thus, prayed that this writ petition be allowed.

Written statement on behalf of respondent No. 1 stands filed.

Learned counsel for respondent No. 1 submits that the First and Second year examination for D.El.Ed. was to be held in July, 2020 but could not be held on schedule due to outbreak of the pandemic COVID-19. In order to safeguard the interests of the students, it was decided to hold the examination as per the schedule attached as Annexure P1 with the petition. A total number of 37,836 students are to take the said examination for which 98 examination centres all over the state are in place. Special arrangements have been made due to outbreak of the pandemic COVID-19. Specific instructions have been issued to the students along with the admit cards as well as to the staff deputed for the examination duty. It is mentioned in the written statement that special arrangements have been made in this regard. Steps have been taken to maintain social distancing, 18 students instead of usual 24 would be sitting in a room for their examination and in case of a smaller size room, the number

of students would be accordingly reduced. All the prescribed protocols in respect to the pandemic would be maintained. It is further mentioned that as examination of the First as well as the Second year is theory based, it is not possible to conduct the same online and neither the Board has the infrastructure in place for conducting the said examination online. Learned counsel for respondent No. 1 further informs that the students infact have been pressing for holding of the examinationexpeditiously as it directly impacts their future prospects. It is, thus, prayed that this petition be dismissed.

I have heard learned counsel for the parties at length and have gone through the file with their able assistance.

Undeniably, the outbreak of pandemic COVID-19 has resulted in unprecedented difficulties in all aspects of life. The exams of the First and Second year of D.El.Ed. could not be held as per Schedule in July. Keeping in view the interests and future of the students, respondent – Board has decided to hold the said examinations as per the Schedule/Time table, attached as Annexure P1 with the writ petition. The examinations commence on 28.10.2020 and are to be held at the designated Examination Centres. In my considered opinion, no ground is made out for setting aside the Schedule of the exams as notified vide Annexure P1, merely on the ground that an option to take the examinations online has not been offered to the students/candidates.

Learned counsel for the petitioner is unable to deny that there is no detail in the writ petition in respect to any representation etc., which has been made to the petitioner Association or its members by the students in this respect. The students who are to take the examinations are not before

this Court. Though Mr. Praveen Gupta submits that frantic calls from the students have been received by various institutions, he is unable to deny that there is no detail of the institutions which are members of this Association and neither is there any detail of any complaint/representation etc. made to the Association or any of the member institutions. A perusal of the writ petition reveals that there is no detail regarding the number of students, who are alleged to be affected by the option of taking the examinations online not being given.

Decision to hold the examinations has been taken by the respondent – Board after taking into consideration the entire facts and circumstances. Learned counsel for the petitioner is unable to point out any ground for this Court to interfere in the policy decision so taken by the respondent – Board. Future of the students who are not even before this Court cannot be put in peril by setting aside the Scheduled examinations or making the same contingent upon an option being provided to the students to take the examination online. Reference in this regard can gainfully be made to the decision of the Hon'ble Supreme Court in Abdul Azeez versus Union of India and others in Civil Appeal No. 2986 of 2020 and Parneet K. and others versus University Grants Commission (UGC) and others in Writ Petition (Civil) No. 724 of 2020. The Hon'ble Supreme Court in Sayantam Biswas and others versus National Testing Agency (NTA) and others, Writ Petition (P) (Civil) No(s). 812/2020 while declining postponement of NEET UG-2020 and J.E.E. (Main) April 2020 observed as under:

“ We find that there is absolutely no justification in the prayer made for postponement of the examination in question relating to

NEET UG-2020 and J.E.E. (Main) April 2020. In our opinion, though there is pandemic situation, but ultimately life has to go and the career of the students cannot be put on peril for long and full academic year cannot be wasted.

Thus, we find no merit in the petition. The writ petition is accordingly dismissed”

The present writ petition is, accordingly, dismissed.

October 26, 2020
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No