

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 736 of 2020 (O&M)

Date of Decision: 23.10.2020

Manpreet Singh

... Appellant(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harpal Singh Sirohi, Advocate
for the appellant.

Anil Kshetarpal, J.

Through this intra-Court appeal, filed under Clause 10 of the Letters Patent of the Punjab and Haryana High Court, the correctness of the order dated 16.10.2020 has been assailed.

Learned Single Judge has disposed of the writ petition filed by the appellant and the others, who are the students. They were to appear for 10th Class examination through the open schooling mode conducted by the Punjab School Education Board. Before COVID-19 pandemic started, the schedule of final examination was notified, however, the examination of only one subject i.e. Punjabi could be conducted before the national lockdown and curfew came into effect. The petitioners, in the writ petition, filed a writ petition under Article 226/227 of the Constitution of India seeking directions to declare the result of the petitioners on the ground that the respondent No.2 has already declared the result of the 10th class examination

as open schooling students . On notice issued, a short reply was filed by the Punjab School Education Board bringing to the notice of the Court that in the case of 10th Class open schooling mode, there is no continuous comprehensive evaluation, also known as “internal assessment marks” and therefore, it would be appropriate to declare the result only on the basis of the exam held for one subject – Punjabi. It was brought to the notice of the Court that with regard to the regular students, continuous comprehensive evaluation is available. Similarly, the exam of two/three subjects of 12th class had already been held and therefore, it was possible to declare their result by taking the average of the marks secured in the aforesaid subjects.

During the pendency of the writ petition, the Punjab School Education Board notified the schedule for class 10th annual examination which is stated to be held in the first week of November, 2020.

With these observations, the writ petition was disposed of.

This Court has heard the learned counsel for the appellant at length and with his able assistance perused the paper book.

Learned counsel for the appellant has reiterated the arguments which have already been raised before the learned Single Judge. He has relied upon the order passed by the Hon’ble Supreme Court (Annexure P4) in *Neil Varun Nambru v. The National Institute of Open Schooling and Others (Civil Writ Petition No. 632 of 2020, decided on 15.07.2020)*. The Supreme Court while disposing the writ petition noted that no further order is required to be passed because the National Institute of Open Schooling has already issued a notification on 10.07.2020. Thus, the writ petition was disposed of while directing that the result for the current academic year be

declared not later than 07.08.2020. In the considered view of this Court, the aforesaid order, with highest regard, does not lay down as a *ratio decidendi* that it is incumbent for the Education Boards to declare the results without holding the exams due spread of COVID-19. Now, there is marked improvement when we compare with the initial situation created due to the spread of COVID-19. The Punjab School Education Board has assured the Court that the exams will be held in accordance with the guidelines laid down while taking all the precautions. In view thereof, finding no infirmity in the judgement passed by Learned Single Judge, the appeal is dismissed in *limine*.

The miscellaneous application(s) pending, if any, shall also stand disposed of in terms of the main order.

(Anil Kshetarpal)
Judge

(Karamjit Singh)
Judge

October 23, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No