

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

108

**CWP-19712-2020(O&M)
Date of Order:16.12.2020**

SHAGANDEEP

..Petitioner

Versus

STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Bagga, Advocate,
for the petitioner.

Mr. Samarth Sagar, Addl.A.G.,Haryana.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conference on account of restricted functioning of the Courts.

Through this petition, filed under Articles 226/227 of the Constitution of India, the petitioner prays for issuance of a writ in the nature of certiorari to quash the order dated 29.07.2020, de-barring the petitioner for a period of 2 years for taking any kind of examinations from any Board/University.

The petitioner has been found guilty of using unfair means in Senior Secondary examination held by the Haryana Board of School Education, Bhiwani.

On 19.11.2020, the following order was passed:-

“The hearing of the case was held through video conference, on account of restricted functioning of the Courts.

*In the considered opinion of this Court, before this writ petition is entertained, learned counsel for the petitioner is required to answer the following questions:-
(1) Whether the petitioner has an efficacious alternative remedy against the order dated 29.07.2020, finding the*

petitioner guilty of using inappropriate material in the examination?

(2) Whether the disputed questions of fact which are likely to arise in the present case can be decided in a writ petition.

Learned counsel for the petitioner prays for a short adjournment to examine the aforesaid questions.

Adjourned to 16.12.2020.”

Sh R.K.Bagga, learned counsel appearing for the petitioner has fairly submitted that the petitioner has a remedy of filing an appeal before the Chairman, Haryana Board of School Education, Bhiwani under Regulation 128 of the Unfair Means Regulations which are in Part IV of Rules and Regulations of the Board of School Education Haryana. He submits that he may be permitted to withdraw the present petition, with liberty to file an appeal before the Chairman, Haryana Board of School Education, Bhiwani, however, he submits that the Chairman of the Board be requested to expeditiously dispose of the appeal.

Keeping in view the aforesaid fair stand taken by learned counsel for the petitioner, the writ petition is dismissed as withdrawn with the liberty aforesaid.

The Chairman of the Haryana Board of School Education, Bhiwani, is requested to expeditiously decide the appeal, if any, filed, keeping in view the fact that the career of a student is involved.

December 16, 2020

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No