

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

LPA-387-2021 (O&M)

Date of Decision: April 09, 2021

Private ITI Association (Punjab) and another

.... Appellants

Versus

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN,
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Munish Gulati, Advocate,
for the appellants.

Vivek Puri, J.

We have heard learned counsel for the appellants and perused the record.

It has been argued by the learned counsel for the appellants that while appearing in CBT examination, the trainees (Students) are facing technical difficulties and there is lack of proper infrastructure for conducting the examination. The appellants have submitted the representation to respondent no.3 for re-scheduling the examination process, but to no effect. Consequently, the rest of the examinations, which are scheduled to be

conducted, be deferred and online portal be corrected for smooth functioning of the examination.

The appellants have filed civil writ petition bearing No.3243 of 2021 alleging themselves to be an association of private ITI Colleges across the State of Punjab. The appellants have sought to re-schedule the examination dates for online CBT examination, *inter alia* alleging that short time was given to inform the trainees (students), they are not getting sufficient time to pay the requisite examination fee through online portal and are facing difficulties which stand multiplied due to pandemic COVID-19. The appellants have also sought to stay the rest of the examination process which are scheduled to be conducted till the online portal is not corrected for smooth functioning of examination.

It has been further argued that on 11.02.2021, though notice of motion was issued by the learned Single Judge for 22.02.2021, but the prayer for staying the remaining examination was not considered. On 22.02.2021, the learned Single Judge had adjourned the matter to 17.03.2021 for filing of the written statement. It was further directed that the written statement be positively filed before the next date of hearing, failing which the adverse inference should be drawn qua respondents no.1 and 2, on the averments as pleaded in the documents, as having been admitted by them.

The grievance of the appellants is to the effect that respondents have failed to file the written statement and also on account of technical difficulties being faced, the rest of the examination scheduled deserved to be stayed.

It is significant to note that after 17.03.2021, the matter could not be taken up by the learned Single Judge and consequently, the

respondents cannot be penalized on the score of non filing of written statement. The appellants are seeking to put the entire examination schedule at halt which has already commenced. Such an exercise is neither deemed appropriate nor proper particularly when the examinations are at the fag end and are scheduled to conclude on 10.04.2021 i.e. tomorrow.

In the peculiar circumstances of the case, it is neither expedient nor just to stall/halt the examination process which is about to culminate and conclude tomorrow i.e. on 10.04.2021.

In these set of circumstances, the claim of the appellant for staying the rest of the examination cannot be accepted. As such, we do not find any illegality or irregularity in the impugned orders passed by the learned Single Judge warranting interference in it.

Accordingly, present appeal is dismissed.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

April 09, 2021

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<i>Whether speaking/reasoned</i>	:	<i>Yes / No</i>
<i>Whether reportable</i>	:	<i>Yes / No</i>