

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

CWP 12391 of 2020 (O&M)

Date of Decision: February 05, 2021

Manbir Singh

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vishal Khatri, Advocate
for the petitioner.

Mr. Shireesh Gupta, Sr. DAG, Punjab
for respondent No. 1.

Mr. Ranjit Singh Kalra, Advocate
for respondents No. 2 and 3.

Mr. Durga Dutt Sharma, Advocate
for respondent No.4.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through
video-conferencing on account of lockdown due to outbreak of
pandemic COVID-19.

Petitioner Manbir Singh then student of 10th Class in the school of respondent No. 4 which is affiliated to respondents No. 2 and 3 has come up in this civil writ petition by resort to provisions of Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *certiorari* seeking quashment of the result dated 29.05.2020 (Annexure P-5) of the petitioner. It is the claim of the petitioner in his petition that his school which is under co-respondents he had given his first term examination for the session 2019-2020, in which, he secured 421 marks out of total marks of 650 and has detailed his result as Annexure P-1. It is pleaded that on account of registration of a criminal case detailed in the petition as Annexure P-2, he was falsely implicated and detained while he was a minor and had remained in Observation Home Ludhiana. On his request to the authorities to enable him to appear for his pre-board examinations scheduled to be held w.e.f. 27.01.2020, they failed to act into the matter. It was subsequent thereto on 31.01.2020, respondents No. 2 and 3 issued date-sheet for matriculation

examination for the year 2020, which was scheduled for 17.03.2020 till 13.04.2020. Upon coming to know of this, petitioner claims that he approached the authorities but to no avail.

Left with no other option, the petitioner claims to have moved the concerned Court which allowed his prayer vide order dated 07.03.2020 (Annexure P-3). The petitioner was taken for sitting in the examinations at the examination centre on 17.03.2020 but respondent No. 2 postponed the examination for class 10th board annual examination on account of Covid-19 pandemic and, thereafter, the examinations were postponed and re-scheduled for 01.04.2020 but could not be held on account of pandemic.

The petitioner has pleaded that due to this unprecedented situation, respondents cancelled the matriculation examination for the year 2020 and decided to promote all the students of 10th class board classes to next higher class on the basis of their grade and performance in the

pre-board examinations, for which, reliance is sought to be placed on Annexure P-4. However, to the dismay of the petitioner, it is alleged that the result of the petitioner declared by the respondents on the web-site of the board showed him absent when it was otherwise.

The official respondents No. 2 and 3 in their reply claimed that petitioner did not appear in the examination and his result so forwarded by the school authority-respondent No. 4 was shown to be absent and it was on the basis of the same being absent the final result was shown so. These respondents have denied each and every averment of the petitioner and that the claim of the petitioner seeking result on the basis of his marks secured in the first term examination was rejected though it is accepted as to the postponement of the examination and subsequent decision of the official respondents in evaluating the students and declaration of their results on the basis of the same and, thus, sought dismissal of the writ petition.

Respondent No. 4, the school authorities rather contradicted the stand of the co-respondents in terming the performance of the petitioner to be outstanding, a hard working student with good academic records. They had duly accepted the fact that he had secured 421 marks out of 620 in first term examination for the session 2019-20 and, thus, accepted the fact that he had secured A Grade in Computers and B Grade in Physical Education examination at the school. The school authorities have pleaded that since the petitioner could not appear in pre-board examination, therefore, his presence was not marked and he was declared absent and, accordingly, information was sent.

Heard Mr. Vishal Khatri, Advocate for the petitioner Mr. Shireesh Gupta, Sr. DAG, Punjab, Mr. Ranjit Singh Kalra, Advocate for respondents No. 2 and 3 and Mr. Durga Dutt Sharma, Advocate for respondent No.4 and perused the records.

It was during the course of hearing of the petition on the request of the petitioner side, the school authorities have placed on record continuous and comprehensive evaluation (CCE report) by way of Annexure R-1 and which is reproduced as below to lay emphasis:-

RAY ONE INTERNATIONAL SEN. SEC. SCHOOL, MAJITHA
Affiliated to P.S.E.B., Mohali

To Whom It May Concern

Certified that Manbir Singh son of S. Baljinder singh was student of 10th Class in our school during session 2019-2020. His mother is Smt. Harjit Kaur.

A) **Academic achievements** of above said student are as follows:-

i)	Three monthly tests (May, August and November)	21/30 Marks
ii)	Term examination (September)	08/10 Marks
iii)	Pre-annual/Pre-board examination (February)	Absent

B) **Co-academic examination:-**

i)	Homework/Assignment/Project work/Practitional activities work/care of old books/contribution in book bank	11/20 Marks
ii)	Attendance	05/10 Marks

iii)	Personality Development Activities	07/10 Marks
iv)	Sports/cultural activities	06/10 Marks

Note: Manbir Singh was absent from 1st January 2020 to 31st March 2020 in the school premises.
He had appeared in Punjab Exam conducted by P.S.E.B, Mohali on 17.03.2020 at Centre Govt. High School Jalalpur”.

Close perusal of the same shows that over all performance of the petitioner throughout in the examination conducted by respondent No. 4 he had secured good marks but unfortunately was shown as absent in the Pre-annual/Pre-Board examination held in February and has given a reason that he was absent from 01.01.2020 to 31.03.2020. The conscious decision of the official respondents taken by way of Annexure P-4 shows that due to Covid-19 pandemic the result of academic session 2019-20 for Class 5th, 8th and 10th was declared on 29.05.2020 on the basis of marks obtained by way of C.C.E., thus, the petitioner apparently had secured good marks in all the examination accepts the outcome of Pre-Board examination.

Mr. Ranjit Singh Kalra, learned counsel representing respondents No. 2 and 3 to the very query of this Court how it

was essential for a student to appear in Pre-Board examination which are purely for providing evaluation by the school authorities of the students going to appear for his final board examination so as to take care that board results may not tarnish the image of the school before public and for no other purpose. The very meaning assigned to the term '**continuance and comprehensive evaluation report**' itself suggest the fact as to the evaluation of his student worthy of being promoted on the basis of his performance during the year in that class in the school. It is the own stand of the school authorities as is reflected in their written reply that petitioner happens to be a hard working student with good academic record and his total score in the first term examination is reflective of this fact that he happens to be a good student. More so, keeping in view the admitted stance of the petitioner that because of an unfortunate incident in spite of the fact that he was not named in the FIR he had to remain under detention in an Observation Home Ludhiana while he was in Ludhiana for a period in question and

he has even secured permission of the court in appearing in the said examinations which were subsequently postponed due to Covid-19 pandemic. It cannot be accepted as is sought to be argued on behalf of the respondents that petitioner's comprehensive evaluation could be doubted by the term '**absent**' as it is an evaluation on the basis of annual performance and not a matter of few days when he was under detention because of a reason beyond his control. The petitioner at that time was a minor and the relief that is being sought by the petitioner is purely for seeking his promotion from 10th Class to the next higher class and since examinations were never conducted his promotion certainly as per the conscious decision of the respondents No. 1 to 3 was to be based on his continuance and comprehensive evaluations and which has rightly been put on record as Annexure R-1. More so, as per the own pass formula of matriculation for March 2020, the Punjab School Education Board has taken a decision that the results are supposed to be on the basis of the marks obtained in the

C.C.E. Scheme and there will be no problem regarding the results of the absent candidates in the pre-board examinations and holding further that C.C.E. scheme is the results of students' academic and co-academic performance throughout the year and further that they will not come in the way regarding the result of the absent candidates as per own instructions relied by Mr. Kalra which are contained in Memo No. SE-3/20/2020455/1 dated 11.05.2020 of Government of Punjab, Department of School Education (Annexure A). Since the petitioner happens to be a young boy who has to face ignominy on account of unfortunate incident and, therefore, deserves a sympathetic and compassionate approach so that he is able to lead a normal life and is not disturbed by such hyper technicalities set up by the respondents that too contrary to their own instructions.

In the light of the same, the instant petition stands allowed. The respondents are directed to promote the petitioner to the next higher class as per Rules on fulfilment of necessary

formalities, however, it is made clear that petitioner would be adjusted for his studies in the promoted class from the date he is taken on the rolls of the institution.

February 05, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No