

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6134-2022

Date of Decision: 28.03.2022

Pankaj Vashishth through his Guardian/Father

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurminder Singh Phull, Advocate
for the petitioner

Mr. Rajneesh Chadwal, AAG Haryana

SUDHIR MITTAL, J. (Oral)

Learned State counsel on instructions submits that after the incident dated 22.02.2022 and the incarceration of the petitioner, his name has been removed from the rolls of the school and the roll number has been returned to the Board of School Education, Haryana. Thus, even though the State is willing to provide necessary police escort to transport the petitioner from the remand home to the examination centre and back, it would not be possible for the petitioner to take the examination. Board of School Education, Haryana is not a party to the writ petition and the removal from the rolls is not under challenge. A direction to the Board of School Education, Haryana to issue the roll number can not be given as the petitioner is no longer a student of the school.

In response, learned counsel for the petitioner submits that the High Court in exercise of jurisdiction under Article 226 of the Constitution of India is the repository of justice. The petitioner, thus, prays that justice be done.

Examination is commencing w.e.f. 30.03.2022 i.e. day after tomorrow. In this short period it is not possible to direct the Board of School

Education, Haryana to issue a roll number to the petitioner as a private student as certain formalities may be required to be completed before a roll number can be issued as such. Removal from the rolls of the school is not under challenge and, thus, this action can not be stayed to enable the petitioner to take the exam as a regular student. Even though High Court is a repository of justice, it is expected to act fairly and the concept of fairness would involve taking into consideration the difficulties of the adverse party also. Keeping in view the entire conspectus of facts, no relief can be granted to the petitioner as time is too short.

In view of the above, the writ petition is dismissed.

28.03.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No