

CWP-21483-2021

Date of decision : January 12, 2022

Ravinder Kumar

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dalbir Singh, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

This writ petition has been filed by the petitioner for setting aside communication dated 24.11.2020 as well as 07.01.2021 by the respondent – Board of School Education, Haryana.

It is submitted that petitioner was appointed on contractual basis on the post of Lab Attendant through an outsourcing agency – respondent No. 7 in July, 2015. At the time of engagement, petitioner had secured Matric qualification from National Institute of Open Schooling with subjects of Hindi, Business Studies, Economics, Social Science and English alongwith having cleared his Senior Secondary School examination with the subjects of English, Political Science, Computer and Word Processing, History and Hindi with a certificate of Diesel Mechanic from the Department of Industrial Training and Vocational Education, Haryana. Petitioner thereafter secured admission for Matriculation

with the Haryana Open School, District Mewat with the Board of School Education, Bhiwani and did his Matriculation with the subjects of Science and Technology, Hindi, English, Mathematics, Social Science and Elective subject of Home Science.

Respondent – College on finding that petitioner did not fulfill essential qualification of Lab Attendant at the time of his appointment, as minimum essential qualification required for Lab Attendant was Matriculation with Physics, Chemistry, Biology or General Science and that the petitioner subsequently did his Matriculation a second time in 2016 with the required subject, sought information regarding double Matriculation being secured by the petitioner from respondent – Board. As per communication dated 24.11.2020 by the respondent – Board, it was informed as under:-

- (I) A candidate who has already passed an examination of this Board or an equivalent examination of any other Board shall not be permitted to reappear in that or a corresponding examination.
- (II) A candidate appearing in any of the Board's examination with full subjects cannot simultaneously appear in another examination of this Board or of another University/Board, in the same academic year except for improvement. The bar shall not apply to a compartment candidate appearing in a lower examination of the Board to clear the exam to become eligible for admission to a higher class."

Keeping in view the same, petitioner was called by the Committee for clarification. While noting all these facts, petitioner was not found suitable to be retained. Accordingly, communication dated 28.08.2020 (Annexure P17) was sent to the respondent – outsourcing agency seeking replacement.

Thereafter, petitioner received communication dated 07.01.2021 from the respondent – Board asking him to submit original Matriculation certificate issued by the Board so that inquiry can be conducted in relation to the complaint received against him. This writ petition has been filed challenging the action of the respondent – Board.

Learned counsel for the petitioners submits that communication dated 24.11.2020 (Annexure P13) sent by the respondent – Board to the Principal, Government College, Palwal as well communication dated 07.01.2021 issued by the respondent – Board to the petitioner should be set aside as first and foremost, the Board has proceeded to decide that double Matriculation is not possible without giving any opportunity of hearing to the petitioner. It is submitted that there is no impediment in the petitioner taking a second Matriculation exam, which could have been explained by the petitioner, if given an opportunity. Therefore, respondent – Board has proceeded in a totally erroneous manner.

I have heard learned counsel for the petitioner.

I do not find any ground to interfere at the instance of the petitioner at this stage, to set aside communications dated 24.11.2020 as well as 07.01.2021 issued by the respondent – Board.

It is a matter of record that the petitioner has been asked by the respondent – Board to submit his original Matriculation certificate so that the matter can be inquired into. Petitioner, it is informed, has not yet appeared before the respondent – Board nor submitted his certificate or reply. In case, original certificate as well as reply is submitted by the petitioner within fifteen (15) days from the date of receipt of certified copy of this order, same be considered in accordance with law expeditiously and preferably within three months as the

petitioner’s services had been dispensed with due to this reason.

Accordingly, present petition is disposed of. It is clarified that there is no expression of opinion on the merits of the case.

January 12, 2022
rts

(LISA GILL)
JUDGE

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