

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

**LPA-1242-2021 (O&M)
DECIDED ON: 06.04.2022**

RANBIR SINGH CHAUHAN

.....APPELLANT

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. R.K. Agnihotri, Advocate
for the appellant.

Ms. Rajni Gupta, Addl. A.G. Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-2904-LPA-2021

This application has been filed for exemption from filing certified copy of the impugned order dated 15.12.2021 as well as filing of CWP along with the annexures appended thereto.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Exemption sought for is granted.

LPA-1242-2021

Challenge in this appeal is to the judgment passed by the learned Single Judge dated 15.12.2021, whereby the request of the son of the appellant for taking part in the 2nd year Semester Examination stands declined by passing a speaking order in compliance with the order passed by this Court in CWP No.21840 of 2021, which was preferred before this Court. It is the contention of the learned counsel for the appellant that the learned Single Judge had failed to appreciate that because of his son being

taken in custody, it was not possible for the son of the appellant to attend online classes. The other aspects with regard to participating in the Monthly Assessment Test as well as the Practical Skill Training in Government ITI could also not be attended. The circumstances were beyond the control of the son of the appellant, therefore, he should have been given relaxation in the Rules and the discretion exercised in favour of the son of the appellant. Even the Court did not exercise its extra-ordinary powers for giving the benefit to the son of the appellant and, therefore, impugned judgment may not sustain and deserves to be set aside.

We have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the judgment as also the pleadings and especially the order dated 30.11.2021 (Annexure P-12) passed by the Director and Special Secretary to Government of Haryana, Skill Development and Industrial Training Department rejecting the representation of the son of the appellant claiming participation in the 2nd year Semester Examination of Trade Draftsmen Course (DMC). A perusal of the same would show that the general guidelines for the training of ITI require minimum 80% attendance of the actual number of working days. As per the calculations, which have been made and the relaxation which has been granted by the Director General of Training, in view of COVID-19 pandemic vide letter dated 22.11.2021, it was decided that the minimum percentage of the attendance would be 65%. The son of the appellant unfortunately has only 32.94% attendance for the Sessions 2020-21, which is much less than the minimum attendance. It is almost half of the required attendance. The discretion, therefore, could not

have been exercised by the Director-cum-Special Secretary to Government of Haryana in these circumstances.

As regards the plea of the learned counsel for the appellant that because of the arrest of the son of the appellant, he could not attend the classes which was beyond his control, this aspect cannot be accepted as the circumstances in which he found himself relate to the conduct in which the son of the appellant was fully involved in a criminal case bearing FIR No.208 dated 15.04.2021, registered under section 148, 149, 307, 323, 324, 506 IPC, Police Station Gharaunda, District Karnal.

In the light of the above, we do not find the plea, as has been taken by the learned counsel for the appellant, to be applicable to the case in hand and, therefore, dismissed the present appeal being devoid of merits.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

06.04.2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>