

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

112

CWP-8860 of 2021 (O&M)
Date of Decision: 24.02.2023

S.K. Modern High School and others

..... **Petitioners**

Versus

The Board of School Education Haryana and another

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pankaj Maini, Advocate
for the petitioners.

Mr. K.K. Gupta, Advocate
for respondents No.1 and 2.

VIKAS BAHL, J (ORAL)

CM-3488-CWP-2023

This is an application under Section 151 CPC read with Article 226 of the Constitution of India praying for issuance of directions to the respondents to allot examination centre to the students of some of the petitioner schools out of the five options given by them in their examination forms preferably within the same village where the Government centres are there.

Further prayer made in the present application is for pre-poning the matter from 19.04.2023 to an early date.

Learned counsel appearing for respondents No.1 and 2-Board has submitted that they have no objection in case the matter is preponed from 19.04.2023 to today itself.

Heard.

In view of the facts mentioned in the application, the same is allowed and the date of hearing of the main petition is pre-poned from 19.04.2023 to today. The matter is taken up on board today itself for final disposal.

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Learned counsel appearing for respondents No.1 and 2 has submitted that in the main case, the prayer was made for setting aside the admit cards and changing the examination centres with respect to the year 2021 and the primary prayer was on the basis of the Covid-19 Pandemic. It is submitted that the said period is now over and thus, the present petition has been rendered infructuous.

Learned counsel for respondents No.1 and 2 has further submitted that in the present case, the students have not come forward and there are ten schools that have come forward and even in the miscellaneous application, it is not specifically clear as to which student is facing difficulty with respect to the examination centres allotted to them. It is submitted that even for the year 2022-23, admit cards have already been given and the examination for 10th class is to start from 28.02.2023 and for 12th class, they will start from 04.03.2023 and the examination material has also been sent and thus, even for the present year, change of centres would not be physically and practically impossible. It is also submitted that it would not be advisable for the students to get their centres changed as the exams are nearing and thus, the said students should be concentrating on their studies instead of seeking change of examination centres which would entail an elaborate procedure.

Learned counsel for the petitioner, in rebuttal, has submitted that on account of paucity of time, he seeks permission of this Court to

withdraw the present petition with the liberty to the effect that in case, any student (most of whom are girl students) has any exceptional difficulty in giving the exams in a particular centre, then he/she would be at liberty to approach respondents No.1 and 2-Board uptill 25.02.2023 and in case of doing so and after explanation of such exceptional difficulty, the competent authority may accommodate him/her.

Learned counsel for respondents No.1 and 2 has also submitted that in case any student comes with an exceptional difficulty and the competent authority is satisfied that on account of his/her exceptional difficulty, it would be feasible to change the centre, then the Board will look into the said aspect in accordance with law.

Keeping in view the above facts and circumstances of the case and the statements made by learned counsel for the petitioner and learned counsel for respondents No.1 and 2, the present petition is disposed of in the following terms:-

- 1) The petitioner is permitted to withdraw the main writ petition with liberty granted to individual students studying in the petitioner schools to approach respondents No.1 and 2-Board uptill 25.02.2023 before 1.00 pm to represent to them in case any exceptional difficulty is being faced by the said student in giving exams in the centre which has been allotted to them.
- 2) In case, any such student approaches the competent authority and the competent authority is of the view that said student has an exceptional circumstance/difficulty, and it would be feasible for the said student to give his/her exam in some other centre other than the one in which he/she has been asked to give the exam, then the Board will look into the said aspect.

3) The competent authority would consider the same in accordance with law and would make every effort to communicate the decision on 25.02.2023 itself.

4) In case the student is preparing for the exams and is in personal difficulty, then he/she could be represented either through his/her father or mother before the competent authority.

This Court has not made any observations on the merits of the case and the competent authority would independently consider the matter in accordance with law, in case, any student approaches the authority.

24.02.2023

D.Bansal

**(VIKAS BAHL)
JUDGE**

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