

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-222-2024 (O&M)

Date of decision : 23.01.2024

Vansh Sangwan

...Appellant

Vs.

Central Board of School Education,
Sector-5, Panchkula, Haryana and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sumit Sangwan, Advocate for the appellant.

DEEPAK MANCHANDA, J.

1. The present intra-court appeal has been filed against the judgment dated 11.01.2024 passed in CWP-336-2024 vide which the order dated 02.01.2024 passed by the respondents was sought to be quashed where request of appellant for permitting him to apply for Improvement Examination 2023-2024 of Class 10+2 was rejected.
2. Aggrieved by the said impugned order dated 02.01.2024, the appellant filed CWP-336-2024, which was dismissed on the ground that the last date for submitting the forms for sitting in the Class XII Improvement Exams was over in the month of October, 2023 itself. Even the extended date with late fee had also lapsed in the said month, but appellant could not avail the opportunity even during the extended period. Even the public notices were also

issued and it was the duty of the appellant to be vigilant, when he himself wanted to appear in Improvement Exam. Moreover, the appellant was not able to show any legal right in his favour or any legal duty on the part of respondent authorities to accept the application of the petitioner despite the last extended date having been passed. Consequently, the writ petition was dismissed and aggrieved by the same, the present intra-court appeal has been preferred before this Court.

3. Learned counsel for the appellant contends that there was no delay on the part of the appellant and no prejudice would be caused to the respondents, in case the appellant is permitted to submit his application form with fine or late fee and no third party right would be effective and submits that learned Single Judge dismissed the petition by highlighting the difficulties that if the appellant is permitted, then the same would open a pandora box and would lead to multiplicity of litigation. He also contends that due to family circumstances, the appellant missed the date and has already dropped one year and would lose another one year for the improvement of 10+2 examination. Learned counsel for the appellant further contends that the learned Single Judge dismissed the petition saying that the appellant has no legal right in his favour and inspite of public notices, the appellant could not avail the opportunity granted to him, but factually no such public notices were displayed on the official website. A perusal of the impugned order depicts that the respondents are giving whimsical and flimsy excuses, where no justifiable reason was shown by them while opposing the prayer of the writ petition made by the appellant therein.

4. We have heard learned counsel for the appellant and have perused

the material available on record.

5. The appellant failed to avail the benefit of extended period and has admitted that due to family circumstances, he missed the date, but no such family circumstances have been explained in the present appeal and even he was not able to establish any legal right that why he should be permitted to fill up the form when notice dated 05.09.2023 for submission of Examination Forms by private students for Senior Secondary (Class XII) Examination- 2024 was issued, wherein it was clearly mentioned the last dates and it is also specifically mentioned that the extended last date till which time candidates, who were desirous for sitting in the exams could submit their applications online by depositing late fee. Even once the extended last date was already passed, then respondents are not legally bound to accept the application beyond the extended date, when centers were finalized, sitting arrangements were made and if they accept the application beyond last date, the entire exercise will have to be done, which would effect the other students, who in time applied and submitted their forms.
6. In the light of the above, we are not inclined to interfere with the judgment challenged before us as the same does not suffer from any illegality.
7. Consequently, the present appeal is dismissed.
8. Since the main case has been dismissed, the pending application(s) if any have been rendered infructuous.

(DEEPAK MANCHANDA)	(DEEPAK SIBAL)
JUDGE	JUDGE
23.01.2024	Whether speaking/reasoned : Yes No
vanita	Whether Reportable : Yes No