

2024:PHHC:168957-DB



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

CWP-17120-2021 (O&M)

Reserved on 10.12.2024

Date of decision: 17.12.2024

Parveen and others

....Petitioners

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Arun K Bakshi, Advocate for the petitioners

Mr. Deepak Balyan, Addl. AG, Haryana

Mr. K.K.Gupta, Advocate for respondent no.3 and 4

ANIL KSHETARPAL, JUDGE

1. Factual background:-

1.1 Through this writ petition, the petitioners pray for quashing of the notification dated 03.08.2021, issued by the Chairman of the Board of School Education, Haryana and the examination result of the students declared on 05.08.2021.

1.2 This case pertains to the period when due to COVID-19 pandemic, the examinations were not possible by permitting the students physically appear. In Writ Petition No.620 of 2021 '**Anubha Shri Vastav Sahai and others vs. Union of India and others**' the Hon'ble

Supreme Court permitted the State Education Boards to evolve their criteria of taking examination.

1.3 The petitioners are Open School category students who have been granted pass marks of 33%. However, the petitioners claim that they are entitled to declaration of their result by choosing five best subjects of 10th class.

1.4 Initially, the pass formula was made for the regular students of Senior Secondary School while granting 30% weightage for 10th class marks, 10% for 11th class school examination and 60% marks for internal assessment and physical examination. For the candidates whose marks for 11th class school examination and internal assessment as well as physical examination were not available for any reason, their result was declared with passing marks of 33%. However, the criteria of giving marks to Open School Students was different.

1.5 In a subsequent development, a notification was issued by the Chairman of the School Education Board on 03.08.2021, well before declaration of result, which provided to declare the result by giving the 'Open Category Students' 33% marks. Accordingly, the result was declared on 05.08.2021.

2. Submissions by the learned counsel representing the parties:-

2.1 The petitioners' counsel contends that the Chairman had no competence and authority to issue the notification.

2.2 On the other hand, the respondent's counsel submits that Section 12 (3) of the Haryana Board of School Education, 1969 authorises the Chairman of the Board to exercise all necessary powers

and to be responsible for carrying out the provisions and regulations of the aforesaid Act. Moreover, the decision of the Chairman was ratified and approved by the Academic Affairs Committee as well as the Board of Directors in its meeting wherein the following decision was taken:-

“After examining the entire issue and while noticing the discrimination in the earlier decision dated 02.07.2021 as detailed in the agenda, the decision of the Chairman of the Board taking uniform criteria under similar circumstances, is hereby ratified and approved. The earlier notification dated 02.07.2021 be treated as substituted to this extent from the date it was issued and notification No.2 to this effect is hereby approved. If any student is not satisfied with the result, he/she can appear in physical conducting of the examination as it was already conducted in August, 2021 and September, 2021.”

3. Analysis and Discussion:-

3.1 Learned counsel representing the petitioners had advanced a tenuous argument to contend that the date of the meeting has not been disclosed.

3.2 Be that as it may. It is not the case of the petitioners that Chairman's decision was not approved and ratified by the Academic Affairs Committee as well as the Board of Directors.

3.3 In the notification issued on 03.08.2021, the students were given option to either opt for declaration of result on the basis of passing marks or he/she can appear in the forthcoming examination to be held in the month of August/September, 2021. The petitioners did not opt for the second option as provided. Hence, no ground to issue the writ, as prayed for, is made out.

4. Decision:-

- 4.1 For the foregoing reasons, the writ petition is devoid of merit and fails to disclose any cause warranting interference by this Court.
- 4.2 Consequently, the writ petition stands dismissed.
- 4.3 All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE
17.12.2024
rekha
Whether speaking/reasoned : Yes
Whether reportable : No

(SHEEL NAGU)
CHIEF JUSTICE