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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19290-2024(O&M)
Date of decision: 01.10.2024

Samriti (Minor) through her natural guardian/father

...Petitioner

VERSUS

The Chairman, Punjab School Education Board and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr. Abhay Gupta, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to allow the petitioner special chance/opportunity to give practical examination of 12th class medical.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is a minor and she was a student of 12th class. He submitted that the examination centre of the petitioner was Arya School at Nabha and the last theory paper was on 19.03.2024 and after the examination the petitioner was abducted by the accused and thereafter on 14.07.2024, she was recovered from the Bus Stand at Amritsar and an FIR was also registered in this regard. He further submitted that during the aforesaid period from the date of abduction of the petitioner till the date of her recovery,



respondent/Board conducted the practical examination for 12th class but the petitioner could not appear in the same because of the aforesaid reason. Thereafter she moved a representation to the respondent/Board vide Annexure P-2 requesting the respondent/Board to give her a special chance for re-examination but till date no action has been taken by the respondent-Board and a direction may be issued to the respondent/Board that a special chance be granted to the petitioner especially in view of the fact that the petitioner is a bright student and she secured Grade 'A' in 10th class vide Annexure P-1.

3. On the other hand, learned counsel appearing on behalf of the respondents submitted that the petitioner did not present herself at the time of practical examination and after the petitioner was recovered, she did not file any application for re-examination and while referring to the reply filed by the respondents, he submitted that the representation which was received by the Board has been filed after the result of the petitioner was declared and thereafter the representation of the petitioner has been decided in accordance with the rules of the Board. He submitted that since the petitioner did not appear in the practical examination, she was declared fail in the final result which was declared on 30.04.2024 and now fresh admission process has already started for next year examination i.e. March, 2025 and the petitioner should have applied for the aforesaid 2025 examination, so that she can appear again.

4. Learned counsel further submitted that once the petitioner was absent in the practical examination, there is no provision for giving any special chance for re-examination. There is only one provision which is pertaining to sports persons who are unable to appear due to participation in national and international level sports, then re-examination can be conducted by the Board



but the petitioner does not fall in the aforesaid category and in the absence of any provision no such benefit could have been given to the petitioner.

5. I have heard the learned counsels for the parties.

6. As per the factual position as so stated by the learned counsel for the parties the petitioner was a student of 12th class and she appeared in all the theory exams till 19.03.2024 which was last date of theory exam. Thereafter, she did not appear for the practical examination and as per the learned counsel for the petitioner, an FIR was registered on the basis of the complaint made by the parents of the petitioner that she has been abducted by one of the accused and was ultimately recovered on 14.07.2024 from Amritsar.

7. During the course of arguments, learned counsel for the petitioner has supplied a vernacular copy of the FIR dated 23.03.2024 which is hereby taken on record as Mark-X.

8. A perusal of the aforesaid FIR would show that the allegations contained in the FIR were that when the petitioner had taken last theory exam on 19.03.2024, there was a telephonic conversation between the petitioner and her mother in which she stated that she will be coming back home but thereafter she sent a message that she will not be coming home because she has left the house and there is further allegation in the FIR that the petitioner was in touch with the accused person earlier also. This Court does not wish to go into the aforesaid allegations as it is not the subject matter of the present case. The subject matter of the present case is that whether on the ground of absence of the petitioner from the practical examination she can be granted a special chance for re-examination or not. There is no provision under the Regulations of the respondent-Board, even as per the learned counsel for the respondents for grant of special chance. At the most the petitioner can again

apply for the 12th class for the next session of March, 2025. In the absence of any provision for giving a special chance, this Court does not deem it fit to interfere in this regard under Article 226 of the Constitution of India.

9. Consequently, the present petition is dismissed.

01.10.2024
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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