

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-26453-2021(O&M)

Date of decision : 30.04.2024

Dharmender

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Ms.Meena Bansal, Advocate
for the petitioner.

Mr.Ravi Pratap Singh, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 08.12.2021 (Annexure P-7) vide which the petitioner has been declared as failed in Batch no.70.

2. Learned counsel for the petitioner has submitted that as per the impugned order dated 08.12.2021 it was observed that the petitioner was willfully absent from 06.10.2021 to 13.10.2021 without any justifiable reason and was thus, declared failed in the final exam of IMSC-2020 (Batch No.70). It is submitted that on 15.03.2022, a Coordinate Bench of this Court was pleased to pass an interim order in favour of the petitioner, the relevant portion of which has been highlighted and is reproduced hereinbelow:-

“By way of this application, the applicant-petitioner herein has sought direction to be allowed to provisionally participate and take the final examinations of batch No.70 on the date of indoor examination of

batch No.71 which were to be held on 16.03.2022 till 04.04.2022.

Notice of this application has been served upon the counsel for the non-applicant who sought time to get necessary instructions.

Mr. Vishal Malik, DAG, Haryana, on instructions from DSP-Ajmer Singh, Police Complex, Sunaria, Rohtak, submits that in fact exams scheduled to be held on 16.03.2022 till 04.04.2022 have been postponed on account of the trainees being deputed for controlling law and order situation at Surajkund Crafts Mela. It is submitted that the final exams will be held thereafter and a fresh date notified. However, in view of the fact that the petitioner herein has already been permitted to take the mid-term examinations that were scheduled to be held in January, 2022, this Court deems it appropriate to allow the applicant-petitioner to participate in the final exams which are yet to be notified. It is clarified that appearance of the petitioner in the examinations will not create any equity in his favour and the result is to be kept in a sealed cover till further orders of this Court.

CR stands disposed of accordingly

*The main case to come up on the date already fixed i.e. 27.04.2022.
15.03.2022.”*

3. Learned counsel for the petitioner has submitted that subsequent to the passing of the impugned order, an order dated 07.11.2023 has been passed by the Superintendent of Police, Nuh vide which the absence period from 06.10.2021 to 13.10.2021 has been treated by the competent authority as a leave of kind due. It is submitted that in view of the said subsequent circumstances, the matter needs to be reconsidered by the competent authority of respondent no.1-State and for the said purpose, the petitioner would give a detailed representation bringing all subsequent facts and annexing all the relevant documents and at this stage, would be satisfied in case the said representation is considered by the competent authority of respondent no.1 in a time bound manner and if after considering the same, in case, the pleas raised by the petitioner are found to be meritorious, then necessary relief be granted to the petitioner.

4. Learned State counsel has submitted that the competent authority of respondent no.1 would consider the said representation and decide the same within a period of three months from the date of the receipt of the representation. It is further submitted that the result of the examination held in pursuance of the order dated 15.03.2022 has been produced by the authority of the State in a sealed cover.
5. The sealed cover has been opened in Court today and a perusal of the result, which is taken on record as Mark A, would show that the petitioner has been shown as “pass”.
6. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority of respondent no.1 to consider the representation to be filed by the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of the receipt of the representation and in case, after considering the same, the pleas of the petitioner are found to be meritorious, then necessary relief be granted to the petitioner and in case, the pleas of the petitioner are not found to be meritorious, then a speaking order rejecting the same be passed within a period of three months from the date of the receipt of the representation.
7. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent no.1 would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)

JUDGE

April 30, 2024

Davinder Kumar

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