



CWP-26165-2016

1

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

222

CWP-26165-2016 (O&M)
Date of decision: 20.01.2025

Kamlesh Rani and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Marinal Sharma, Advocate for
Mr. P.S. Khurana, Advocate for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The petitioners, who had applied for appointment as ETT teacher, filed this case with an apprehension that four questions of part-C attempted by them have not been evaluated and in case, the plea is found to be correct then to grant marks.

2. The D.El.Ed examination for Sessions 2013-2015 was conducted by SCERT-respondent No.2, who in paras 3 and 4 of its counter affidavit filed by Director dated 18.04.2016, to which there was no replication filed, has stated thus:-

“That further, it is most respectfully submitted before this Hon'ble Court that paper regarding Diversity, Gender and Inclusive Education (209) is prepared according to the structure/format of the instructions. Questions asked from Part-C are from structure and syllabus i.e. question no. 11 and 12 are from Unit-I and question no. 13 and 14 are from Unit-II and question no. 15 and 16 are from Unit-III. Student had to do one question from each unit and one question had to be done from any unit.

Further, it is submitted that in whole session students are taught according to syllabus and structure of the paper. Further it is submitted that one student appearing in the



paper having Roll No. 1612 had done question 13 unit-II, question no. 16 unit-III, question no. 11 and 12 in unit-I. Similarly, in another case a student having Roll No. 1611 had done question 11 in unit-I, question no. 14 and 13 in unit-II. question no. 16 in unit-III.

4. That further it is most respectfully submitted before this Hon'ble Court at this stage claim of the petitioners regarding to evaluate the paper of Diversity, Gender and Inclusive Education (209) and thereupon, declare their result has not been accepted as petitioners are stopped by the Law of Estoppel. Meaning thereby the petitioners are stopped by their own conduct because petitioners had already attempted this paper. They should have challenged the paper during the day of exam. But petitioners by attempting the paper had accepted the terms and being unsuccessful they cannot be allowed to challenge the same as they are stopped by their own act and conduct and cannot challenge the examination when she found that she would not succeed in the examination. Reference in this regard can be made to the judgment of the Hon'ble Court in *Madan Lal Vs State of J & K* (1995) 3SCC 486, *Om Parkash Suhukla* 1986 Sup. SCC 285 etc. It has been laid down by the Hon'ble Supreme Court that when the petitioner appeared in the examination without protest and when he found that he would not succeed in examination he filed a petition challenging that said examination, the High Court should not have granted any relief to such petitioner.”

3. In **Manuj Krishna Mishra vs. High Court of Madhya Pradesh¹**, the Division Bench while relying on *Union of India Vs. Kushala Shetty and others*, AIR 2011 SC 3210, observed and held that the Court cannot sit over the expert opinion given by the Committee while finalising the answer keys, which have to be accepted as it is and the petitioners having participated in the proceedings well aware of the terms and conditions of the advertisement, therefore, they are being restrained from challenging the terms



CWP-26165-2016

3

and conditions thereof after they have been declared as unsuccessful candidates.

4. As an upshot of the afore, the present petition being bereft of merit is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

20.01.2025

Hemant

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