

(2021) 02 SHI CK 0159
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 749 Of 2021

Bali Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 12-02-2021

Acts Referred:

Citation : (2021) 02 SHI CK 0159

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Pranay Pratap Singh, Hemant Vaid, Arvind Sharma, Raju Ram Rahi, Amit Dhumal, Anjali Soni Verma

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Notice. Mr. Raju Ram Rahi, learned Deputy Advocate General and Ms. Anjali Soni Verma, learned Standing Counsel, appear and waive service of

notice on behalf of respondents No.1 and 2, respectively. In view of nature of order being passed, no notice is required to be issued to respondent

No.3.

2. The writ petition has been filed for grant of following substantive reliefs:-

â??i) Issue a writ of mandamus directing the respondents number 2 to declare the result of the son of the petitioner i.e. Annexure P-7.

ii) Issue a writ of mandamus directing the respondents to implement the order passed in CWP No.849 of 2019 i.e. Annexure P-8 qua the son of the

petitioner thereby declaring the result of the petitioner.â??

3. Learned counsel for the parties are at ad idem that the dispute raised in this petition is squarely covered by the decision of a Division Bench of this

Court in CWP No.5815 of 2020, titled Rupali Versus State of H.P. & ors., decided on 18.12.2020, wherein relying upon judgment dated 10.09.2019

rendered in CWP No.849 of 2019, titled Priyanka Devi Versus State of H.P. & others, it was held as under:-

2. Admittedly, the petitioner has passed her matriculation examination held in October-November, 2018 as per Annexure P- 3 from respondent

No.3 i.e. Grameen Mukta Vidhyalaya Shiksha Sansthan. The only hurdle in not declaring the result of the petitioner is on account of non-

recognition of 3rd respondent with the Himachal Pradesh Board of School Education, i.e. respondent No.2.

3. However, similar issue came up before this Court in CWP No.849 of 2019, titled Priyanka Devi vs. State of H.P. and others, decided on 10.09.2019

(Annexure P-8), wherein learned standing counsel for respondent No.2-Board, had placed on record written instructions, which revealed that during

the period from 01.12.2017 to 05.02.2019, Grameen Mukta Vidhyalaya Shiksha Sansthan i.e. respondent No.3 was duly recognized with the

Himachal Pradesh Board of School Education i.e. respondent No.2.

4. Therefore, once the petitioner has appeared for matriculation examination during the period when respondent No.3 was recognized by respondent

No.2, the petitioner was rightly admitted in 10+2 examination by respondent No.2.

5. Therefore, in such circumstances, there is no impediment in not declaring the result of the petitioner.

6. Accordingly, the instant writ petition is allowed and respondent No.2 is directed to declare the result of the petitioner for 10+2 examination

(Annexure P-7) within a period of two weeks from today.

Accordingly, the present writ petition is disposed of with a direction to respondent No.2 to declare the result of the son of the petitioner for 10+2

examination (Annexure P-7) within a period of two weeks from today. Pending miscellaneous application(s), if any, also stand disposed of.