

(1992) 03 P&H CK 0102
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 14940 of 1991

Darshan Singh

APPELLANT

Vs

Punjab School Education Board and Another

RESPONDENT

Date of Decision : 17-03-1992

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1992) 101 PLR 675

Hon'ble Judges : H.S. Bedi, J

Bench : Single Bench

Advocate : R.S. Hundal, for the Appellant; Jaspreet Singh, for the Respondent

Final Decision : Allowed

Judgement

H.S. Bedi, J.—The petitioner appeared in the Plus 1 Examination held in March 1988 and got compartment in the subject of English. He was thereafter entitled to three chances to clear the compartment and it was in March 1989 under Roll No. 744045 that he took his third and final chance for the purpose. In the result declared by the respondent-Board in July 1989, the entry against the name of the petitioner was "Result Late Award". The petitioner also appeared simultaneously in the plus 2 examination held in March 1989, but the result has not been declared, (as per the stand of the respondents) in view of the fact that the petitioner has not yet cleared the plus 1 examination. It has been averred by the petitioner that aggrieved by the non-declaration of his plus 1 English paper result he represented to the authorities concerned and also made repeated personal efforts in that direction and receiving no reply has filed the present writ petition.

2. The case of the respondents is that although the petitioner was shown as "Result Late Award" in the Gazette yet it was not clear as to whether the petitioner had in fact appeared in the English paper or not. It , has also been urged that every candidate who is issued a Roll Number figures in the Gazette notifying the result and the mere fact that the name of the petitioner had

appeared in it, does not conclusively prove that he, in fact, had taken the examination. It has also been stated in the reply that the respondent-Board would be willing to give a special chance to the petitioner to clear the English paper now.

3. After hearing counsel for the parties, and keeping in view the peculiar circumstances of the case, more particularly the fact that the petitioner sat for the plus 1 examination in 1988-89, it would be unfair to ask him to reappear in the same paper at this belated stage. It is to be borne in mind that the Gazette in which the petitioner was shown as Result Late Award was published in July 1989 and the petitioner represented to the Board vide Annexure P-2 dated 30.10.1989 and issued a legal notice vide Annexure P-3 dated 15.1.1991 to get the requisite relief, but the Board did not even care to reply to the petitioner. In view of this fact, it appears to me that the stand of the Board that the petitioner may not, in fact, have appeared in the examination appears to be an after thought and as such he cannot be penalised for the inaction on the part of the respondent-Board. Had a proper reply been given to the petitioner so as to make him aware of the true state of affairs soon after he had filed his representation, the situation would have been qualitatively different and the court may not have interfered at a belated stage. In the above circumstances, the stand of the respondents the petitioner would be entitled to special chance would be wholly inappropriate at this stage as the petitioner cannot now be expected to study for the paper for which he had last appeared in 1989. Keeping in view the above facts, this Court must fashion a relief to meet the ends of the justice.

4. For the reasons recorded above, this petition is allowed and a direction is issued to the respondent-Board to declare the petitioner pass in the subject of English by giving him the minimum pass marks in the said subject. The result of the petitioner for the plus 1 paper in English as also the plus 2 examination in which he has already appeared shall be declared within a period of two weeks from today. There shall however be no order as to costs.