

(2019) 12 P&H CK 0094

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 33376 Of 2019 (O&M)

Jagsir Singh And Ors.

APPELLANT

Vs

State Of Punjab And Ors.

RESPONDENT

Date of Decision : 16-12-2019

Acts Referred:

Citation : (2019) 12 P&H CK 0094

Hon'ble Judges : Girish Agnihotri, J

Bench : Single Bench

Advocate : Kuljinder Singh Dhindsa, Anju Sharma Kaushik, Rishabh Gupta, H.S. Oberoi

Final Decision : Disposed Of

Judgement

Girish Agnihotri, J

The present petition has been filed by petitioners, INTER ALIA, with the prayer to direct the respondents to declare the result of the petitioners as they all appeared in their 109th all India Trade Test Examination held in May, 2019.

Learned counsel for the petitioners submits that the pleaded case of the petitioners is that the petitioners had passed their Trade Test of ITI as Electrician and completed their training as well. It is contended that as per the guidelines of Directorate General Training, the student who have passed their respective ITI's have to undergo apprenticeship for two years in Industrial establishment. Learned counsel for the petitioners further submits that during this period, petitioners have to pass examination in theory test and practical examination. The theory examination is stated to be conducted by office of Directorate General Training through online portal and this exam consists of 100 marks. Every student has to score minimum 40 marks to pass the theory examination. It is also contended that the practical examination is conducted by the Institute wherein minimum passing marks are 180 marks out of 300.

It is the case of the petitioners that the result of the practical test is to be

forwarded by the Institute of the Technical Education Board and thereafter Technical Education Board is to upload the result online.

It is not disputed between the parties that in May 2019, online theory examination of All India Trade Test was conducted by respondent No.6 i.e. Directorate General of Training, Ministry of Skill Development and Entrepreneurship, Delhi.

At this stage, learned counsel appearing for respondent No.3 submits that they have already forwarded the marks of the practical examination qua petitioners, to respondent No.6, approximately way back in December 2018 itself.

In this view of the matter, respondent No.6 is directed to ensure that the manual result of the petitioners be declared and handed over to them by 12 noon tomorrow. This direction is given in peculiar facts and circumstances of the case. The petitioners who have undertaken the examination, paid their fee, will then apply for job in respondent No.5-PSPCL.

It is pointed out by learned counsel for the petitioners that respondent-PSPCL has given time to the petitioners to produce the certificates by tomorrow i.e. 17.12.2019. In support of his plea, he has produced before this Court a letter dated 09.12.2019 issued by the PSPCL to petitioner No.4. Letter is taken on record and marked as Mark 'A'.

This was so reflected in earlier two orders dated 07.12.2019 and 10.12.2019 passed by this Court. The same are reproduced here under:-

Order dated 07.12.2019

'The records of the case shows that notice of motion has not been issued in this case.

Learned counsel for the petitioners relies on notice of motion having been issued in CWP-33318-2019. In that writ petition on 18.11.2019 the following order has been passed;

"Learned counsel for the petitioner states that only respondent Nos.2, 3 & 6 are the contesting respondents, therefore, notice be issued to the said respondents only.

Ms. Sonu Jain, Advocate for Mr. H.S. Oberoi, Advocate, accepts notice on behalf of respondent No.6.

Notice of motion to respondent Nos.2 & 3 only.

Issue notice to respondent Nos.2 & 3 for 07.12.2019".

Accordingly in the present case notice of motion is ordered to be issued to respondent Nos. 2, 3 and 6.

However on the asking of this Court Ms. Anju Sharma Kaushik, DAG, Punjab who

is present in the Court accepts notice on behalf of respondent No.1.

Ms. Sonu Jain, Advocate for Mr. H.S. Oberoi, Advocate who is present in the Court accepts notice on behalf of respondent No.6.

Mr. Rishabh Gupta, Advocate puts in appearance on behalf of the respondent Nos. 2 and 3 and submits vakalatnama. The same is taken on record.

Learned counsel for the contesting respondents are directed to take appropriate instructions regarding uploading of the result.

At this stage, learned counsel for the petitioners contends that petitioners are applicant for the Post of Linemen in the PSPCL and have given time till 10.12.2019 to produce the result to the concerned Department.

In this view of the matter respondents especially respondent Nos. 2, 3 and 6 are directed to seek instructions regarding uploading of the result. It is also directed that in case there is any technical difficulty, the feasibility of giving provisional certificate be considered and this Court be informed regarding the same on 10.12.2019.

Learned counsel for the petitioner undertakes to hand-over two copies of the writ petition to each of the respondents during the course of the day.

Adjourned to 10.12.2019.'

Order dated 10.12.2019

'Learned counsel for the respondent Nos. 2, 3 & 6 seeks some more time to comply with the directions passed by this Court on 07.12.2019.

The same is allowed.

One last opportunity is granted to the respondent Nos. 2 and 3 to upload the result or they will give manual or provisional certificate to the petitioner on or before 17.12.2019.

This direction is given in peculiar facts and circumstances of the case. The learned counsel for the petitioner as well as counsel representing respondent Nos. 2 and 3 submits that approximately by 10.12.2019 the interviews would be finalized. Thereafter ten days more time would be given i.e., approximately till 18.12.2019 to the petitioner to furnish the relevant documents including the certificate in question.

In the meanwhile, notice of motion to the remaining respondents for 16.12.2019 dasti only.

Mr. Rishabh Gupta, Advocate for respondent Nos. 2 and 3 who is present in Court, accepts notice on behalf of the respondent No.5. Copy of paper-book has been supplied to him.

He is directed to inform this Court about the true and factual position on the next

date of hearing.

Adjourned to 16.12.2019.'

Writ petition is disposed of with the above directions.