
(2012) 12 P&H CK 0131
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 11457 of 2012

Jasmit Singh and Others

APPELLANT

Vs

Punjab School Education Board and Another

RESPONDENT

Date of Decision : 13-12-2012

Acts Referred:

Citation : (2013) 169 PLR 537

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Advocate : A.P.S. Rehan, for the Appellant; G.S. Bal, for the Respondent

Judgement

Ranjit Singh, J.—The petitioners had appeared in Semester-1 examination of 10th class as regular students. They got reappear/compartment in the subject of mathematics. The petitioners filed the reappear/ compartment examination forms for reappear/compartment examination to be conducted during March 2011. The examination forms were sent to the office of respondent well in time but he did not deposit the required examination fee of Rs. 600/-. The petitioners claim that this amount could not be deposited on account of poverty of their parents and also for the reason that they were under the bona fide belief that like their school fee and annual examination fee the reappear/compartment fee will also be remitted by the Education Board to take reimbursement thereof. The examination forms of the petitioners were accepted and the petitioners were issued roll numbers. There was no intimation given to the petitioners to the effect that the examination fee was not paid by them. The petitioner appeared in the examination during March 2011. Their result was declared but result of the petitioners was shown as "R.L.(Fee)". The petitioners passed the examination but they were granted admission in 11th class on the condition that they will submit their pass result of 10th class in the school failing which their admission in 11th class will be cancelled.

2. On the asking of the School authorities each of the petitioners deposited a sum of Rs. 600/- and this amount was sent to the office of the respondents. The

respondents refused to accept the same and required the payment of Rs. 15,000/- per student, otherwise the result of the petitioners was to be withheld.

3. The petitioners have made reference to the fact that Board has conducted a Special Chance Examination for those students who failed or got reappear or could not appear in Semester-1 Matric class examination held in September 2010 and for that they had charged a fee of Rs. 2000/-. The petitioners claim that they belong to very poor families and, accordingly, submitted a representation before the Principal with the request to declare their result without payment of this fee. The petitioners were even ready to pay a sum of Rs. 2000/- as was charged for the Special Chance Examination referred to above.

4. The Principal of the School submitted a representation to respondent No. 2 for declaring the result. The representation was replied by saying that these students be not granted admission in 10+2 class unless they had deposited the requisite fee. The petitioners have, accordingly, approached this Court through the present writ petition.

5. Reply on behalf of the Board has been filed. Initially short reply was filed on behalf of the Board. It is conceded that petitioners belong to SC/BC category and while appearing in the main examination held they were not required to submit any examination fee. It is, however, stated that if they are required to appear in any supplementary examination their examination forms were required to be accompanied with the requisite examination fee.

6. Reference is made to the Regulation which provides that if fee is deposited after the declaration of the result then an amount of Rs. 15,320/- per student is to be charged. As per their reply, there is no provision under the Rules/ Regulation where relaxation in the amount of fee could be granted to the petitioners. While responding to the plea that sum of Rs. 2000/- per student was charged in some of the cases, it is stated that those students were given "golden chance" to appear in the examination. Accordingly, the submission raised by the petitioners is termed as patently misconceived.

7. Subsequently, an additional affidavit has been filed to place on record Annexures A and B. Annexure A is a letter dated 08.03.1973 which provides that the student belonging to the SC and Backward Class would pay the examination fee from their own pocket to P.S.E.B or the concerned Universities in advance and thereafter would submit an application to their concerned institution for the refund of the said examination fee. Considering that this was long process whereby students were to get the refund of the fee after considerable delay and secondly under certain circumstances fee is not refunded to the students and kept on lying in the School or College Funds. It was proposed that Punjab School Education Board would not charge the examination fee from those students and directly claiming the same from the Education Department. This was only to relieve them of financial problem regarding the examination fee.

8. Subsequently, vide Annexure B which was issued on 23.11.1973, the decision

of the Government was communicated that examination fee shall not be charged from Scheduled Caste and Backward Class students. It was incumbent on the Head of the School to enclose a certificate to the effect that the student belonged to such category, alongwith their Application Forms. Application Forms of such students were to be accepted by the Punjab School Education Board and Fee due in respect of these candidates he claimed from the Government through the Director Education, Punjab.

9. The communication which had now been annexed does not indicate if waiver of the fee is to be allowed one time only. Once the respondents have extended this concession to SC and BC students taking into account their financial position, it would be illogical to expect deposit of such an exorbitant fee from such poor students. The anomaly is quite apparent. If fee of Rs. 600/- is exempted on account of financial condition of students, how such students can reasonably be asked to pay a sum of Rs. 15,000/- for appearing in an examination. The Board was given more than one opportunity to mend this as there is no indication from the documents annexed that this fee was chargeable. The Board apparently has failed to take any corrective action despite opportunity having been granted.

10. Result of the petitioners students have been declared pursuant to the direction issued by this Court but still the matter in regard to the payment of fee and the liability to pay this fee is still hanging fire. Since the Board has refused to see reasons the case is made out for issuing direction that the Board was totally unjustified in raising this demand and not declaring the result of the petitioners. The students have suffered on this count. It is, therefore, directed that result of the petitioners which has been declared shall be treated as regularly declared result and the necessary consequences shall follow. The writ petition is, accordingly, allowed. The petitioners are held entitled to a costs which is assessed at Rs. 2000/- per student to be paid by the Board.