
(2018) 01 MP CK 0056
In the Madhya Pradesh High Court
Case No : 5583 of 2017

Ku. Kritika Chourasiya

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 11-01-2018

Acts Referred:

Citation : (2018) 01 MP CK 0056

Hon'ble Judges : Vandana Kasrekar

Bench : Single Bench

Advocate : Ashok Kumar Jain, Neeraj Singh Chouhan, Samresh Katare

Final Decision : Dismissed

Judgement

1. The petitioner has filed the present petition praying for direction to the respondents to declare the result of the petitioner and also to pay the damages.

2. The petitioner has clear her open school examination of Class X and thereafter she filled the form for appearing in the Higher Secondary

Examination as private candidate. The petitioner clear the open school examination is being shown by the mark-sheet of open school examination

before appearing in the examination. The petitioner has cleared all the formalities as required by the respondents. The petitioner thereafter appear

in the examination, however, the result of the petitioner was not declared and she was not also intimated about the same. The petitioner, therefore,

submitted a representation to the respondents on 07.11.2016. The petitioner, therefore, filed the present writ petition praying for direction to the

respondents to declare the result.

3. Respondents no.2 to 4 have filed their reply and in the said reply they have

stated that by exercising the power given under Section 8 of the Madhyamik Shiksha Adhiniyam, 1965, the Board has issued guidelines for the purpose of admission and examination with regard to High School Examination as well as Higher Secondary Examination. Under the said regulation, it is provided that in order to participate in the Higher Secondary Examination, any candidate has to submit certain documents which are mandatory in nature. Such documents comprised of mark-sheet of the qualifying examination, copy of transfer certificate and the copy of migration certificate in case of the students who have not qualified the qualifying examination from the Board as a regular student. In the present case, the petitioner passed the High School Examination from (NIOS) Board. In the Higher Secondary Examination, she appeared in the category of private student and as such, filled her examination form accordingly, thereafter, admit card was issued to the petitioner, the said admit card was provisional. The petitioner has not submitted her migration certificate at the time of submission of the examination form nor the same has been submitted within specified time as granted by the answering respondent. A Committee was constituted to scrutinize the cases of the students like petitioner and other similarly situated students. The Committee has granted ample opportunity to the petitioner and other similarly situated students to cure their defect of non-submission of the respective documents. It has further submitted that one month time was granted for the students who failed to submit the requisite documents. After completion of one month time, it was decided that the students who failed to submit the requisite documents, their result shall be cancelled for want of eligibility as the students failed to submit the documents required to acquire eligibility. It is not the case that the result of the petitioner alone has been cancelled, however, the results of all the students who failed to submit the requisite documents were cancelled. In the present case, the migration certificate has been issued in favour of the petitioner on 24.04.2016 i.e. after expiry of one month period. The petitioner was herself not in possession of the requisite documents at the time of submission of the examination form or at the time when the opportunity was granted by the answering respondent to submit requisite documents. The respondents have further submits that the representation submitted by the petitioner was duly replied vide order

dated 20.06.2017 and the petitioner has not challenged the order dated 20.06.2017. In light of the aforesaid, respondents no.2 to 4 submits that the petition deserves to be dismissed.

4. Learned counsel for the petitioner argues that once the petitioner has submitted her application and if she is permitted to appear in the examination then the respondents cannot cancel the result of the petitioner on the ground that she has not submitted migration certificate. He submits that the petitioner has already submitted her migration certificate on 26.06.2016. However, this document has not been considered by the Board while rejecting the representation submitted by the petitioner.

5. Heard learned counsel for the parties and perused the record. Respondent Board has framed the regulations i.e. Annexure R-1 for admission

and examination. As per the said regulations, candidate is required to submit the examination form along with all necessary documents. The

petitioner has submitted her application form for appearing in the Higher Secondary Examination, as the petitioner has passed the High School

Examination as private students, therefore, she was also required to submit the migration certificate at the time of submitting the application form,

however, in the present case, the petitioner has failed to submit her migration certificate along with the application form. There are number

candidates who have not filed certain documents along with the examination form and their results were also withheld. For the said purpose, a

committee was constituted to scrutinize the cases of the students like the petitioner and other similarly situated students. Committee has taken a

decision to grant one more opportunity to the students to submit the requisite documents and, therefore, one month time as last chance was granted

to the students who failed to submit the requisite documents. After completion of one month time, it was decided that the students who failed to

submit the requisite documents their result can be cancelled for want of eligibility. Pursuant to the same, the committee vide decision dated

15.07.2016 decided to cancel the results of the students who failed to submit the requisite documents. In the present case, from bare perusal of the

migration certificate filed by the petitioner as Annexure P-3 clearly demonstrates that the same was issued on 24.04.2016 i.e. after expiry of the

period of last opportunity for submission of the documents which shows that the

petitioner herself was not in possession of the said documents at the time of submission of the examination form. From perusal of the record, it also reveals that the respondents have rejected the representation submitted by the petitioner vide order dated 20.06.2017 which is not challenged by the petitioner.

6. In view of the aforesaid, as the petitioner has failed to file the requisite documents along with the examination form as well as within a period of one month as directed by the respondents. Thus, I do not find any reason to interfere into the said representation.

7. Accordingly, the petition is dismissed without any order as to costs.