
(2010) 08 SHI CK 0024
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 4917 of 2010

Munish Kumar and Others

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 20-08-2010

Acts Referred:

Citation : (2010) 08 SHI CK 0024

Hon'ble Judges : V.K. Sharma, J; R.B. Misra, J

Bench : Division Bench

Judgement

R.B. Misra, J.—The writ petition has been filed with the following prayers:

The present petition may kindly be allowed and the Annexure P-J and P-L may kindly be quashed and set aside with a further direction to the respondents to conduct the examination of the petitioners for the said course of JBT qua which the petitioners has already undergone prescribed course and completed the same successfully from the respondent No. 3 institute in the session 2002-2004 as has been held by Hon''ble Supreme Court in Bhawna Sharma's case keeping in view the submissions made herein above and in the interest of justice with a further direction to the respondents to award them the certificate/diploma for the said course if they qualifies the said examination.

2. Learned Counsel for the petitioner has submitted that for similar relief a petition, namely, CWP No. 4545 of 2009 titled Anita Suman v. State of HP and Ors. was filed before this Court, which was disposed of on 8th April, 2010 (Annexure PM), relying on the order dated 31.3.2008 passed in SLP No. 7856/2006 titled Bhawna Sharma v. State of HP and Ors. by the Hon''ble Apex Court. The order dated 31.3.2008 is reproduced as under:

Heard both sides. The petitioner joined respondent No. 4 Institute in JBT course. The grievance of the petitioner is that she was not allowed to appear for the Board examination with the Institute as the respondent Institute has no affiliation for the year 2002-2004. Learned Counsel appearing for the 4th

respondent submits that the application for affiliation was already pending with the Board and the Board had in fact allowed students for being admitted to 4th respondent. As and when the college takes the approval of the Board and conducts the examination the petitioner Ms. Bhawna Sharma may be allowed to participate in the examination.

In the above directions, the SLP is disposed of.

3. It has been submitted by the learned Counsel for the petitioners that the grievances of the petitioners are also similar as the petitioner in CWP No. 4545/2009. As such, the present petition can be disposed of in the light of the judgment dated 8.4.2010 passed in CWP No. 4545/2009. Learned Counsel for the respondents, including Sh. G.D. Sharma, counsel for H.P. Board of School Education, in all fairness, who have submitted that the above referred judgment dated 8.4.2010 passed by the Division Bench of this Court has been implemented and in the absence of otherwise instructions on record, they are not in a position to make different submissions.

4. In the facts and circumstances, the present writ petition is also allowed in the light of the observations made by the Division Bench of this Court vide order dated 8.4.2010 in CWP No. 4545/2009. It goes without saying that the petitioners' eligibility shall be considered keeping in view the observations made in the above judgment passed by this Court and the State Government shall make endeavour to take appropriate steps to expedite the grievances of the petitioners since the examinations are going to be held from 30th August, 2010. As such, all concerned have to take appropriate collective efforts latest by 27th August, 2010 so that the petitioners may not come across any difficulty. On the production of the copy of this order by the learned Counsel for the petitioners, respondent No. 1/State Government shall make all endeavour including issuance of directions to respondent No. 2 to do the needful for conducting the examinations of the petitioners before 30th August, 2010.

In view of the above observations, writ petition is disposed of so also the pending applications.

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