

(2019) 12 P&H CK 0258

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 34574 Of 2019 (O&M)

Roshan Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 17-12-2019

Acts Referred:

Citation : (2019) 12 P&H CK 0258

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

1. The present petition has been filed by petitioner, inter alia, with the prayer to direct the respondents to declare the result of the petitioner as he had appeared in the 108th all India Trade Test Examination held in December, 2018.

2. Learned counsel for the petitioner submits that the pleaded case of the petitioner is that the petitioner had passed the 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 students who have passed their respective ITI's have to undergo apprenticeship for two years in Industrial establishment. Learned counsel for the petitioner further submits that during this period, petitioner has 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.

3. It is the case of the petitioner 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.

4. It is not disputed between the parties that in December 2018, 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.

5. 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.

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

7. It is pointed out by learned counsel for the petitioner that respondent-PSPCL has given time to the petitioners to produce the certificates by tomorrow i.e. 18.12.2019. In support of his plea, he has produced before this Court a letter dated 09.12.2019 issued by the PSPCL to petitioner. Letter is taken on record and marked as Mark 'A'.

8. This was so reflected in earlier two orders dated 07.12.2019 and 09.12.2019 passed by this Court. The same are reproduced here under:-

Order dated 07.12.2019

'The present writ petition has been filed by petitioner-Roshan Singh, with a prayer that a writ of mandamus be issued to respondents to up-load the result of practical examination given by the petitioner.

It is further contended that the practical result of such post is required to be forwarded to the Institute to the Technical Education Board and thereafter the Technical Education Board has to upload the same on the portal.

Learned counsel for the petitioner submits that the urgency in the matter is that the petitioner is applicant in the Post of Linemen in the PSPCL.

Notice of motion was issued in this case on 27.11.2019. In that writ petition on 27.11.2019 the following order has been passed;

"Learned counsel contends that respondent Nos. 2, 3 and 6 alone are the contesting respondents.

Notice of motion to contesting respondent Nos. 2, 3 and 6 only.

Ms. Sonu Jain, Advocate, who is present in Court, accepts notice on behalf of respondent No. 6.

Dasti notice be issued to respondent Nos. 2 and 3 for 07.12.2019".

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.

Mr. Rishabh Gupta, Advocate, who is present in the Court, accepts notice on behalf of the respondent Nos. 2 and 3.

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 09.12.2019 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 09.12.2019.

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 09.12.2019.

Order dated 09.12.2019

'Learned counsel for the respondent Nos. 2 and 3 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 17.12.2019 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 17.12.2019.'

9. Learned counsel for respondents No. 2 and 6 submits that the petitioner in the present case be directed to provide particulars once again.

10. Learned counsel for the petitioner is directed to provide the details of the petitioner to counsel for respondent No. 3 and respondent No. 6 during the course of the day i.e. by 4 PM so that the directions can be complied with so that result can be declared by 12 noon.

11. Writ petition is disposed of with the above directions.