
(2008) 02 JH CK 0022
In the Jharkhand High Court

Shifa Ul Ain

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-02-2008

Acts Referred:

Citation : (2008) 2 JCR 173

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the petitioner has sought, direction on the respondents to allow her to appear in Professional Education Examination-II, November, 2007 (Chartered Accountancy Examination) (hereafter to be referred as the "Examination") through a writer.

2. It has been stated that the petitioner passed her B.Com. (Hons.) Examination from Ranchi University and has also passed Professional Education Examination Part-I (Chartered Accountancy Examination). The petitioner developed a serious disease, namely, Writer's Cramps in her right hand, as a result of which she was unable to write answer book. The petitioner had made application before the Ranchi University for appearing in the B.Com. Examination, requesting to provide writer, which was allowed by the order of the Vice-Chancellor dated 15th May, 2006. She appeared in B.Com. Examination through the writer and has been declared successful.

3. The petitioner due to her said ailment requested the respondent No. 2 with medical certificate to allow her to appear in the said Examination through a writer. She was asked to obtain certificate of disability from the Civil Surgeon-cum-Chief Medical Officer. She obtained the said certificate from the Civil Surgeon-cum-Chief Medical Officer and submitted the same, but in spite of submitting the said certificate, no order was passed on her request. The petitioner contended that since she has furnished the certificate, as required by the, respondent No. 2, he must have passed the appropriate order on her request. Hence, the petitioner, looking to the urgency for appearing in the said

Examination, has filed this writ petition.

4. Mr. M. Khan, learned A.S.G.I., appearing on behalf of the respondent Nos. 1 and 2, submitted that the respondent No. 2 is the competent authority to look into the petitioner's request and pass appropriate order. Thus, the petitioner may approach the said respondent for that purpose.

5. In view of the urgency, the matter was lastly heard on 31st October, 2007. After hearing learned Counsel for the parties and considering their submissions and materials brought on record, this Court had directed the respondents to allow the petitioner to appear in the said Examination through a writer to be held from 1st November, 2007. However, it was observed that the result of the said Examination shall not be published and the petitioner's appearance shall be subject to the result of this writ petition. Today, when the case is taken up, learned Counsel for the respondents submitted that the petitioner has already been allowed to appear in the said Examination through the writer and that her result has not been published because of the order of this Court dated 31st October, 2007. Now, since the petitioner has submitted the required certificate, the respondent No. 2 may take decision and publish the result of the petitioner.

6. In view of the above, this writ petition is disposed of directing the respondent No. 2 to consider the certificate submitted by the petitioner as also her request and to pass appropriate order. If it is found that the petitioner has the ailment of Writer's Cramp and for that there is valid certificate, the respondent No. 2 shall publish the petitioner's result without any delay.