
(1987) 01 P&H CK 0078
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6640 of 1986

Sunita Rani and another

APPELLANT

Vs

Haryana School Education Board and others

RESPONDENT

Date of Decision : 21-01-1987

Acts Referred:

Citation : AIR 1987 P&H 74

Hon'ble Judges : M.M. Punchhi, J

Bench : Single Bench

Advocate : Hemant Kumar Gupta, for the Appellant; S.K. Mittal, for the Respondent

Judgement

M.M. Punchhi, J.—This petition reflects errors confounded; one is piled over the other and undoing the harm is sought from this Court.

2. The petitioners are two minor girls. The added respondent Suman Lata too is a girl. They were students of the Government Girls Senior Secondary School, Palwal. They sought their candidature for appearing in the Middle Standard Examination to be held in February, 1986 by the Haryana School Education Board. The petitioners were expected to be issued roll number slips issued by the Board through the Principal of the School. It transpired that the Superintendent of the Centre under the control of the Principal of the School in which these girls were appearing asked the petitioners to sit under the roll numbers not really assigned to them. It transpires that the actual roll number of Sunita Rani petitioner was 303746 and Sita Devi 303747. The roll number really allotted to Suman Lata respondent was 303748.

By some mistake or confusion and allegedly at the asking of the Central Superintendent, the petitioner Sunita Rani wrote her roll number as 303748 (which actually belonged to Suman Lata respondent) and Sita Devi petitioner wrote her roll number as 303746 (which actually belonged to Sunita Rani). In the same strain. Suman Lata respondent wrote her roll number as 303747 (which

actually belonged to Situ Devi petitioner). Since the roll numbers mistakenly were swapped, the result necessarily came swapped whereby Sunita Rani petitioner and Suman Lata respondent were shown to have passed the examination. Had the roll numbers been correctly assigned, correct result should have been that Sunita Rani and Sita Devi petitioners should have passed and Suman Lata should have failed. But since wrong result had been declared and the petitioners had taken care to represent to the Board, the Board after having seen the mistake instead of rectifying declared the result of all the three candidates cancelled it. This has given rise to the two petitioners to approach this Court to have their results declared as are correctly attributed to them.

3. The defence of the Haryana School Education Board, to say the least, is extremely stern. It defies entertaining the thought that to err is human. In the return, no courage has been taken to deny the handwriting of the candidates on their papers written respectively. In other words, the respective candidates on their handwriting stand correctly identified and connected to their correct roll numbers. It is insisted on behalf of the Board that though the result declared on the swapped roll numbers was wrong, the petitioners as also the added respondent must be penalised for the mistake. In this way, cancellation of the result is sought to be justified.

4. The stance taken by the Board does not at all appeal to me. No inquiry has been held by the Board associating the petitioners to find out as to who was at fault. Further no view has otherwise been entertained that the mistake committed was deliberate or there was a calculated design to swap the roll numbers. The Board has straightway assumed that the candidates are guilty and have to be deprived of the result of the examination. The attitude of the Board in these circumstances is unjust, harsh and untenable. The petitioners' clamour for their rightful result on the detection of the error of their roll numbers seems to me indefeasible and right in the circumstances. Undisputable, when the correct result is attributed to the petitioner. Sunita Rani has to be declared pass with 271 marks and Sita Devi petitioner too has to be declared as pass with 458 marks. Respondent No. 4 Suman Lata of course fails.

5. For the aforesaid reasons, this petition is accepted and it is ordered that the petitioners are entitled to their result as spelled out above. The Board is directed to declare their correct result as also of respondent No. 4 forthwith. The learned counsel appearing for the Board has conceded that the delayed declaration of result shall not stand in the way of the petitioners if they seek candidature towards the examination to be held in March, 1987 for the 9th Class. In these peculiar circumstances, there shall be no order as to costs.