
(2013) 12 P&H CK 0071
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 19975 of 2011

Surender Singh and Another	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 02-12-2013

Acts Referred:

Citation : (2014) 2 SCT 133

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The petitioners have prayed for a direction to the respondents to declare the result of their exams of Diploma in Education Part-II (Private) held in April-2011 allegedly illegally withheld by the respondents. Learned counsel for the petitioners has submitted that the petitioners took admission in respondent No. 3/college and have passed their Diploma in Education Part-I (Private) consisting of two (six months each) semesters, the result whereof was declared by respondent No. 2 on 7.9.2010. Thereafter, they took admission in Diploma in Education Part-II (Private) consisting two (six months each) semesters i.e. semesters 3 & 4. The examination forms of the petitioners for final examination of Diploma in Education Part-II (Private) were sent by respondent No. 3/college to respondent No. 2/Board. Thereafter, final examinations were held in April-2011 in which the petitioners appeared. However, their result was not declared in the month of June, 2011 along with other students and has been withheld. Thus, this petition has been filed seeking a direction to the respondents to declare the result which has

been withheld without any rhyme or reason.

2. After notice, respondent No. 2 has filed the reply in which the following averments have been made:

That as the petitioners have made misleading statement of facts, therefore, are not entitled to seek indulgence of this Hon'ble Court. In fact, the

petitioners were the students of Diploma in Education (D.Ed.) Part II course of respondent No. 3-College and were to appear in the final

examination in April 2011 conducted by the respondent No. 2- Board. As a matter of practice, the examination forms of the students are sent in

advance and the Roll numbers are also allotted and sent to the college concerned but only those students are allowed to take examination whose

attendance is found to be upto the required percentage till the end of the session. In the present case, as a matter of process, the roll numbers were

allotted against the examination forms of the petitioners and sent to the respondent No. 3-College. Since both the petitioners were short of

attendance, therefore, the respondent No. 3-College did not issue them the roll numbers. But the petitioners after downloading their roll numbers

from the internet, appeared in the examination held in April 2011 but at the time of preparation of the result, when it was found that the attendance

certificate of the petitioners was not sent by the college, therefore, the result of the petitioners was declared as ""R.L.E. "" and the college authorities

were enquired about the fate of the attendance of the petitioners. In response thereof, the college authorities vide their letter dated 9.6.2011

informed the Board that since the petitioners were not fulfilling the minimum requirement of attendance prescribed, therefore, they were not issued

with the roll numbers and the same were returned back to the Board. Alongwith the said letter, photocopy of the attendance registers of the

petitioners duly attested were also sent by the college. A true copy of the letter dated 9.6.2011 alongwith the photocopy of the attendance

registers received from the college is attached as Annexure R-1 with the written statement. In the given circumstances, the petitioners have no case

and therefore, the writ petition deserves to be dismissed and their result is to be cancelled.

3. Learned counsel for respondent No. 1 has also referred to chart of attendance of the petitioners, which is reproduced as under:--

4. I have heard learned counsel for the parties and after perusal of the record, I am of the considered opinion that no relief can be granted to the petitioners because they were not eligible to take examinations because of shortage of lectures as petitioner No. 1 has attended 11 lectures out of 636 lectures and petitioner No. 2 has attended 12 lectures out of 636 lectures. In this view of the matter, the result of the petitioner has been rightly withheld. Hence, the present writ petition is dismissed.