

<u>Serial No. 01</u> <u>Supplementary List</u>

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 50 of 2018

Date of Order: 16.07.2018

Smti Naphisabet Nongkynrih **Vs.**

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner(s) : Mr. K. Paul, Adv.

For the Respondent(s) : Mr. K.P. Bhattacharjee, GA (For R 1-3)
 Ms. R. Borah, Adv. (For R 4-6)
 Mr. R. Choudhury, Adv. (For R 7&8)

Unfortunate as it is petitioner has become victim of unforeseen circumstances. Today the matter is listed for hearing on a short point as to whether petitioner can be directed to be admitted to compartmental examination class 12 scheduled from today.

Learned counsel for the Board would submit that there is no scope for allowing the petitioner for being admitted to the compartmental examination which has commenced today because compartmental examination as per norms is to be held only regarding those candidates who have appeared in class 12 regular examination held in month of March, 2018, restricted only to one subject in which candidate has failed.

Learned counsel for petitioner rightly pointed out that in effect examination has to be held for all papers for class 12. He would further add that petitioner has pursued class 11 class 12 studies in B.K. Bajoria School, she had been allotted register number for appearing in class 12 Board Examination 2018 which commenced w.e.f. 5th March, 2013, the School was informed that the petitioner is not eligible to appear as per Examination bye laws 10.1, on 1st of March, 2018. In the process petitioner

lost the chance to appear in the examination, though she promptly filed the instant petition. According to him the petitioner as a special case in the background of the facts and circumstances has to be compensated by admitting her to the compartmental examination as has commenced today.

True it is the compartmental examination is to protect those candidates who after having appeared in the examination have failed in one subject and those candidates who have totally failed cannot appear in the compartmental examination. The petitioner has not failed because she was prevented from appearing in the examination. Some special arrangement was required to be made but now the compartmental examination has commenced from today at 10 AM means she is not in a position to sit in today's paper.

In the back ground of the facts and circumstances of the case, it appears that the petitioner has become a victim for no fault of her, therefore petition is required to be decided at an earliest so that petitioner is able to come out of uncertainty.

Learned counsel for petitioner submits that he may be permitted one week's time for filing rejoinder affidavit, granted.

List for hearing on 26.07.2018.

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
16.07.2018
"V. Lyndem PS"