

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.12533 of 2015
Decided on : 05.10.2015**

Varinder Singh

... Petitioner

Versus

Guru Ravidas Ayurved University and another

... Respondents

(2)

CWP No.12584 of 2015

Dilpreet Singh

... Petitioner

Versus

Guru Ravidas Ayurved University and another

... Respondents

(3)

CWP No.12604 of 2015

Chet Ram

... Petitioner

Versus

Guru Ravidas Ayurved University and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Padamkant Dwivedi, Advocate
for the petitioner (s).

Mr. T.S. Chauhan, Advocate and
Mr. Satnam Chauhan, Advocate
for respondent-university.

G.S. Sandhawalia , J. (Oral)

The present order shall dispose of three writ petitions
i.e. CWP Nos.12533, 12584 and 12604 of 2015. The facts are
being taken from CWP No.12533 of 2015.

The challenge in the present writ petition is to the order dated 03.06.2015 (Annexure P-4) vide which the request of the petitioner who is a student of BAMS 1st Prof for a mercy chance has been rejected on the ground that he had earlier been granted a mercy chance in November/December 2014. The ordinance on the basis of which the petitioner seeks the relief reads as under:-

“9. First Professional Examination (shall be held on such dates so that the examination is completed by the end of one year and six months).

(i) (a) The 1st Professional period shall be 18 months duration and the examination shall ordinarily be completed by the end of December. The supplementary examination of 1st Professional shall be held every six months.

(b) Any candidate who fails to clear all the subjects of First Professional examination in four consecutive attempts including the first attempt in which he/she was eligible to appear shall not be allowed to continue his/her studies in BAMS course. However, a mercy chance may be allowed by the Vice Chancellor at his discretion.

(c) Any candidate who fails in one or more subjects in his/her first attempt shall be permitted to attend classes in Second Professional BAMS Course but he/she shall not be entitled to appear in 2nd Prof. Examination unless he has completed 18 months of study in 2nd Profession and has passed the first professional examination at least 6 months before.”

A perusal of Clause (b) would go on to show that the only one mercy chance is permissible. Even as per the post

amendment which was carried out on 27.03.2015 (Annexure P-3), the relief can be granted only in one subject once in full BAMS Course, though the benefit had been extended to students from all professionals, which earlier had been restricted to the first professional. The relevant portion reads as under:-

“After detailed deliberations, it was RESOLVED; that a mercy chance may be allowed by the Vice-Chancellor at his discretion on genuine grounds only in one subject, once in full BAMS Course. For example, a student may apply for a mercy chance only in one professional i.e. First, Second, Third or Fourth professional of BAMS Course provided further that he/she has re-appear only in one subject.”

The said issue has been examined by the Division Bench of this Court in **LPA No.769 of 2015** titled as '**Keshav Bajaj Vs. Guru Ravidas Ayurved University and another**' decided on **26.05.2015**. In the said case the appellant has been granted one mercy chance in the second professional examination and sought another mercy chance in the third provisional examination. The Division Bench dismissed the appeal by holding as under:-

“We find that in the absence of any Regulation granting mercy chance to the students of 2nd or 3rd Professional examination, the action of the University in granting mercy chance may be a beneficial act without any support of statutory provision. The University cannot be directed to grant mercy chance to the appellant in the absence of any Regulation on the ground of equity.

It is well settled that there cannot be any parity in the illegality. Reference may be made to judgment of Hon'ble Supreme Court reported as (1995) 1 SCC 745 titled Chandigarh Administration and another v. Jagjit Singh and another.

In view thereof, we do not find any merit in the present Letters Patent Appeal.

Dismissed."

Keeping in view the above observations of the Division Bench, reliance of the petitioner upon the judgment of the Single Bench prior in time on 12.11.2014 in CWP No.10369 of 2014 is without any basis.

Resultantly, no relief can be granted to the petitioners. The present writ petitions stand accordingly dismissed and the interim orders stand vacated.

OCTOBER 05, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE