

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

**CWP No.21062 of 2015
Decided on : 07.12.2015**

Kamal Kumar and others

... Petitioners

Versus

Guru Nanak Ayurvedic Medical College & Hospital and another

... Respondents

(2)

CWP No.21109 of 2015

Ajay Kumar and others

... Petitioners

Versus

Shri Dhanwantry Ayurvedic College and another

... Respondents

(3)

CWP No.21111 of 2015

Bhoopender Singh Rana and others

... Petitioners

Versus

Shri Dhanwantry Ayurvedic College and another

... Respondents

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

Present : Mr. Pranav Chadha, Advocate
for the petitioner (s).

None for respondent No.1.

Mr. T.S. Chauhan, Advocate
for respondent No.2.

G.S. Sandhawalia , J. (Oral)

The present order shall dispose of three writ petitions i.e. CWP Nos.21062, 21109 & 21111 of 2015. The facts are being taken from CWP No.21062 of 2015.

The petitioners seek the relief for appearing in the examination of BAMS 2nd Year Prof. Course, which is to commence from December, 2015 alongwith the examinations of the 1st Prof. also.

It is the case of the petitioners that they have attended the classes of the 2nd Prof and have cleared four subjects out of total five subjects. Reliance has been placed upon Regulations 6.1 (iii), which provides that the student is held eligible to keep the terms for the second professional course, but he will not be allowed to appear for second professional examination unless he passes in all the subjects of the first professional.

It is submitted that once the petitioners have permitted to keep the term, they are entitled to sit in the 2nd Prof. examination also.

The stand taken by the respondent No.2-University is that though the students are permitted to keep the term for 2nd Prof. Course, but they will not be allowed to appear for the 2nd Prof. until they pass all the subjects.

It is not disputed that the petitioners have failed to pass

all the subjects for 1st Prof. The regulation itself provides that unless the students have passed in all the subjects, they will not be allowed to sit in the 2nd Prof. examination. The Apex Court in ***A.P. Christians Medical Educational Society Vs. Government of Andhra Pradesh and another'* 1986 (2) SCC 667** has held that directions can not be issued to the University to act against its own statute. Once the regulations itself provide that students can only sit in the examination, if they have cleared all examinations, no relief can be granted.

In such circumstances, no directions can be issued to the respondent-University contrary to the regulations of the Central Council of Indian Medicine.

Accordingly, the present writ petitions are dismissed.

DECEMBER 07, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE