

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

**CWP No. 8833 of 2015 (O&M)
Decided on : 10.08.2015**

Vasu Gupta

... Petitioner

Versus

Punjab Technical University and another

... Respondents

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

Present : Mr. Sidhant, Advocate for
Mr. Puneet Jindal, Advocate
for the petitioner.

Mr. Harsh Goyal, Advocate for
Mr. Tribhawan Singla, Advocate
for respondent No.1.

Mr. Parminder Pal Sharma, Advocate
for respondent No.2.

G.S. Sandhawalia , J. (Oral)

The present writ petition has been filed for setting aside the detention list dated 23.04.2015 displayed on the notice board on 24.04.2015 in respect of the petitioner wherein on account of shortage of attendance in the second semester examination of B.Tech (ECE), he has not been allowed to give the examination.

The case of the petitioner is that he was studying with the respondent No.2-Institute and suffered a medical problem on 20.12.2014 which was diagnosed as Ventricular Tachy-Cardia (VT). Various tests had been conducted upon the petitioner and

he was also referred to Medanta Hospital, Gurgaon and hospitalized there for two days. He has undergone heart surgery in Max Hospital, Delhi and thus was not able to attend the classes from 17.01.2015 to 02.02.2015. Thereafter, on account of other ailments like jaundice and liver infection again he was also not able to attend the classes.

On account of the detention order which is now impugned he has admittedly filed two representations, one the very next day i.e. 24.04.2015 (Annexure P-6) and followed by 27.04.2015 (Annexure P-7). It is the contention of the petitioner's counsel that the Vice-Chancellor of the University-respondent No.1 has the power to relax as per Regulation 8. The said regulation reads as under:-

“Notwithstanding anything contained in these Regulations, the Vice Chancellor shall be competent to allow any relaxation subject to ratification by the Board of Governors.”

The admitted position is that the petitioner has 50% attendance as per the reply of respondent No.2, but the petitioner does not have the 75% of the required attendance. Similar in the defence of the respondent No.1-University. A plea has been taken that with regard to the ailment of the petitioner that no such information has been received by the University. It has further been averred that extraordinary circumstances are required to exercise the power which is thus admitted as per Regulation 8.

After hearing counsel for the parties, this Court is of the

opinion that there is no denying the fact that the petitioner has suffered from serious medical complications at a young age leading to medical intervention. The moment the detention order was passed, the petitioner immediately filed representations and moved the authorities.

In such circumstances, the authorities are under a bounden duty to decide the representation of the petitioner. Though it is a case of the respondent No.1 that he did not receive any such information with regard to the ailment of the petitioner and that there was no medical proof of ailment. The representations are also on record and as per written statement of respondent No.2 the same had been forwarded to the University.

In such circumstances, it is appropriate to take a decision on the representations, keeping in view the material the petitioner supplies to substantiate his case. It is expected that a sympathetic view shall be taken, keeping in view the background of the case. Let, the said representations be decided within a period of 4 weeks from the receipt of the certified copy of this order.

In any case, any adverse order is to be passed reasons should support the said order. In view of above, the present writ petition is disposed of.

AUGUST 10, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE