

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

LPA No.769 of 2015(O&M)

Date of decision:26.5.2015

Keshav Bajaj

....Appellant

VERSUS

Guru Ravidas Ayurved University and anotherRespondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Padamkant Dwivedi, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 19.12.2014 whereby the request of the petitioner for grant of a mercy chance to qualify one subject of the 3rd Professional examination in Bachelor of Ayurvedic Medicine and Surgery (B.A.M.S.) was declined.

Learned Single Judge has found that the Regulations framed by the University contemplate grant of mercy chance only in the 1st Professional examination and not in the 2nd or 3rd Professional examination. Therefore, the claim of the appellant for the grant of mercy chance cannot be accepted.

Admittedly, the appellant has been granted one mercy chance in the 2nd Professional examination. The appellant seeks another mercy chance in the 3rd Professional examination de hors any

provision in the Regulation which may permit the grant of mercy chance to the students of 3rd Professional examination.

Learned counsel for the appellant relies upon few instances where a University has granted mercy chance to the students of the 3rd Professional examination.

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.

(HEMANT GUPTA)
JUDGE

MAY 26, 2015
'D. Gulati'

(LISA GILL)
JUDGE