

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

Civil Writ Petition No.18528 of 2003

Date of decision: 1.9.2016

Rakesh Singla

...Petitioner

Versus

Baba Farid University of Health Sciences and others

...Respondents

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

Present: None for the petitioner.

Ms. Savi, Advocate for respondent no.1.

G.S.SANDHAWALIA, J. (Oral)

The petitioner sought direction to take the 2nd Professional Bachelor of Ayurvedic Medicine and Surgery Examination which was to commence from 25.11.2003.

Vide order dated 25.11.2003, the Division Bench allowed the petitioner to take the said examination on a purely provisional basis. Thereafter, the case was admitted on 19.3.2004 and the University was directed to declare the result of the said examination. The petitioner was allowed to prosecute further studies. The case was also ordered to be put up along with Civil Writ Petition No.18275 of 2003 in which following order was passed on 22.12.2006:

“Mr. Anupam Gupta, Advocate, representing the University-respondent no.1, states that the result of the petitioner for final examination of B.A.M.S. Course has been declared and in view of the fact that the petitioner has completed his Course including internship, the University shall issue the detailed marks card to the petitioner.

In view of the above, the C.M. as well as the Civil Writ Petition stand disposed of with the directions to the

respondent-University to supply the details marks card to the petitioner.

Copy of the order be given dasti on payment of usual charges.”

The stand of respondent no.1-University is that the petitioner did not fulfill the condition of having studied for 18 months after being declared pass in the 2nd Prof.

Now a period of more than a decade has gone by and the petitioner would have necessarily passed out of the said course and in pursuance of that would have sought employment and also further improved his qualification.

Keeping in view the controversy involved and the fact that even if the objection of the University is to be sustained, it would be inequitable to put the clock back for the petitioner.

Accordingly, interim orders are confirmed and the present writ petition is disposed of by regularizing the admission of the petitioner.

September 01, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No