

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

CWP NO. 2869 of 2016

Date of decision: 11.03.2016

Malwinder Kaur and others

.....Petitioners

versus

**Baba Farid University of Health Sciences, Faridkot and another
.....Respondents**

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Suvir Sidhu, Advocate
for the petitioners.

Mr. Munish Dadwal, Advocate
for respondent No. 1.

Mr. V.Ramswaroop, Addl.AG, Punjab.

Rakesh Kumar Jain, J.(Oral)

The petitioners are students of Basic B.SC.IIIrd year in the College of Nursing, Patiala. They are undergoing 4 years course in which examination takes place every year. The petitioners reappeared in the Ist year which was cleared in the year 2013. They reappeared in the IInd year in the subject of Pharmacology, Pathology, Genetics(PPG) in the examination held in November-December, 2014 but could not qualify. However, they passed the said examination in the year, 2015 which was held in the month of October/November. The petitioners, however, were promoted provisionally to IIIrd year.

Counsel for the petitioners has submitted that though the petitioners have already attended classes of IIIrd year but the

respondents are not allowing them to sit in the examination despite depositing the fee.

On the other hand, counsel for the respondents has submitted that as per clause 8.4 of the prospectus, the petitioners had forfeited the benefit of earlier promotion on account of their failure in the reappear examination.

I have heard both the learned counsel for the parties and examining the available record.

In order to appreciate the arguments, it would be relevant to refer the Clause 8.4 of the prospectus which reads as under:-

“A candidate who fails in not more than two subjects in B.SC(Nursing) 1/2/3rd year examinations may be promoted provisionally to the next higher class till subsequent examination but if he/she fails in the subsequent examination, he/she will be reverted to the previous class forfeiting all benefits of earlier promotion.”

Since the petitioners failed in the PPG, supplementary examination held in the year 2014 and qualified in it only in the next year, therefore, all the benefits which have accrued to them by way of provisional promotion had to be forfeited in terms of clause 8.4 of the prospectus referred hereinabove.

In view thereof, the petitioners cannot be granted any relief in this case in order to save their six months as alleged. Petitioners, however, are eligible as stated by counsel for the respondent to appear in the examination to be held in the month of

May-June, 2016. Fee already deposited by the petitioners for these examinations shall be adjusted in the examination to be taken by the respondents in the month of May-June, 2016.

11th March, 2016
Shivani Kaushiks

[Rakesh Kumar Jain]
Judge