

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

**CWP No.9080 of 2016
Decided on :25.10.2016**

Mini Kapoor

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present : Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

Mr. Surinder Gandhi, Advocate for
respondents No.2 and 3.

Mr. A.S. Jawandha, Advocate for
respondents No.4 and 5.

Mr. Vivek Salathia, Advocate
for respondent No.6.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks direction to allow her to submit her re-appear form for the compartment exam in the 1st year Nursing Course with respondent No.5-College. Also directions that her admission be accepted in the 2nd year Nursing Course with respondent No.6, are sought.

It is not disputed that the petitioner has got a compartment in her 1st year and on account of the rules, she is not eligible for migration/admission to the respondent No.6. Therefore, qua this aspect no relief can be granted to the petitioner.

The only issue, thus, remains is whether the petitioner is liable to continue with her nursing classes with respondents No.4 and 5 or not.

The dispute has arisen only on account of the fact that she had applied for migration when she was in the 1st year and NOC was granted on 02.12.2015 (Annexure P-3). On account of her result being declared in February, 2016, she has not been able to get admission with respondent No.6, on account of a re-appear.

Respondents No.4 and 5 in their reply have taken a plea that since she has taken NOC, therefore, she is not the student of the college. Therefore, she is not allowed to continue with her course. Thus, it is apparent that she cannot be prejudiced by the fact that she cannot continue with her studies on this account with either of the institutes.

The said defence cannot be accepted. The petitioner is, thus, held entitled to continue with her studies with respondents No.4 and 5. The said institute will admit her in 2nd year and allow her to continue with her course, subject to the deposit of the necessary fees. It is made clear that there will be no demand of re-admission or any fees for the 1st year for which the petitioner has already paid the fees, except the re-appear charges for the examination in question. The said college will also give all the facilities to the petitioner, which are required, in case the petitioner wishes to stay in hostel.

The petitioner will also be entitled to appear and give her re-appear examination for the subject concerned of 1st year, as per rules alongwith her final examination, subject to the eligibility as per rules and regulations. The needful be done within a period of one week from today.

With the abovesaid observations, the present writ petition stands disposed of.

OCTOBER 25, 2016

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No