

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

CWP No.14845 of 2016

Date of Decision:15.03.2017

Ravina**Petitioner**
vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Ms. Neeti Gupta, Advocate for the petitioner.

Mr. Amit Rao, Advocate for respondent No.2.

Rakesh Kumar Jain (Oral)

The petitioner, a student of BAMS Course in G.B. Ayurvedic College and Hospital Brahmanwas, Rohtak had to reappear in the Ist Year examination, result of which was cancelled on account of identification mark (Swastik) found on the answer-sheet. The petitioner challenged the said cancellation by filing CWP No.25357 of 2014. Vide order dated 23.12.2014, she was allowed to take 2nd year examination subject to final outcome of the writ petition. However, the said writ petition was disposed of on 18.2.2016 on the issue of maintainability on account of an appeal being maintainable before the Vice Chancellor. Since the said appeal was not being decided, therefore, the petitioner approached this Court again by filing CWP No.8485 of 2016 which was disposed of on 4.7.2016 on account of the fact that the decision has been taken on 26.4.2016. The petitioner has again filed the present writ petition bearing CWP No.14845 of 2016 contending that reconsideration has been done by the Controller of Examination on 20.4.2016 in respect of the appeal which was to be decided by the Vice Chancellor, therefore, the order is not sustainable. On this premise, notice of motion was issued by this Court. Thereafter, the

respondents have put in appearance and filed the reply.

Counsel for the petitioner has submitted that the petitioner has already suffered a lot because of an innocent mistake by putting a 'Swastik' mark on the first and last page of the answer-sheet and was not aware that it would tantamount to using 'unfair means'. On the other hand, counsel for the respondents has submitted that the petitioner had tried to disclose her identity by way of a particular mark 'Swastik' used by her both on the first and last page of the answer sheets, therefore, it has been decided by the respondents to cancel the examination of the petitioner on account of using 'unfair means'.

Be that as it may, counsel for the respondents has submitted that the decision has been taken by the Standing Committee on 'unfair means' on 8.4.2016 and the previous decision has been maintained of awarding the punishment to the petitioner which has the approval of the Vice Chancellor. In this regard, on the last date of hearing, the respondents were directed to file an affidavit that the appeal was put up before the Standing Committee in terms of the order by the Vice Chancellor.

Today, Learned counsel for the respondents has submitted that the said decision of the Standing Committee was the decision of the Vice Chancellor but the matter would again be put up before the Vice Chancellor of the University who would pass a specific order in that regard.

In view thereof, the present petition is hereby disposed of with a direction to the Vice Chancellor of the University to decide the appeal/representation of the petitioner already pending with them, by passing a speaking order and affording an opportunity of hearing to the petitioner.

The necessary decision shall be taken by the Vice Chancellor within a period of two weeks from the date of receipt of certified copy of this order.

Copy of this order be given dasti to learned counsel for the parties under signatures of the Special Secretary of this Court for the purpose of compliance.

March 15, 2017
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(Rakesh Kumar Jain)
Judge