

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

CWP No.11449 of 2017 (O&M)

Date of decision : 13.07.2017

National Welfare Health and Education Awareness Charitable Society,
(Regd.)

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Nitin Kant Setia, Advocate for the petitioner.

Mr. H.S.Sitta, Asstt. Advocate General, Punjab.

Mr. Sarbjit Singh, Advocate for respondent No.2.

AJAY TEWARI, J.(ORAL)

This petition has been filed for issuance of writ in the nature of mandamus directing the respondents to accept the examination forms of 30 students of ANM Course (2013-14 Batch) of the petitioner-College and allow them to appear in the examination of 2nd year ANM course.

The brief facts are that the petitioner-College had admitted 30 students for the 2013-14 Batch who had undertaken the first year exam in February, 2015. However due to some problems in the Electronic Admission system there was great confusion regarding many students in the State of Punjab. Various writ petitions were filed and under interim orders passed in those cases students were allowed to take the first year examination the result whereof was also directed to be declared and those

students were allowed to provisionally take the second year examination also. Ultimately those writ petitions were decided by common order dated 09.06.2016 wherein this Court gave three months time to the respondents to conclude whatever inquiry they were holding and in case the inquiry was not concluded to declare the result of the various student. Pursuant to this direction those results were declared and later the first year result of the students of the petitioner-College was declared in the month of November, 2016.

By the present petition the petitioner-College has claimed that its students fulfill all the academic requirements for taking the 2nd year examination and consequently they be allowed to take the same.

Learned counsel for respondent No.2 has fairly stated that in view of the various orders passed by this Court the students of the petitioner-College who fulfill the academic requirements have to be allowed to take the examination but only after they pay late fees since there was no interim order in their favour.

Learned counsel for the petitioner-College has countered by arguing that neither the petitioner-College nor any student had filed any writ petition in this Court and it was the voluntary act of the respondent to have declared the result of 1st year of the students of the petitioner-College in the month of December, 2016. Immediately thereafter the petitioner-College approached the respondent No.2 to accept the fees for the 2nd year examination of such students who fulfilled the academic requirement but no action was taken thereon and that is why this petition was filed. Had the

respondent No.2 taken action in time there was no occasion for fees not to have been deposited and now, for delay on its part, respondent No.2 can not claim late fees.

Learned counsel for respondent No.2 is not in a position to counter these facts.

In the circumstances, it has to be held that the demand for late fees is not justified. The petition is allowed. Respondent No.2 is directed to permit the students of the petitioner-College to take the 2nd year examination without insisting on payment of late fees.

Petition stands allowed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

A copy of this order be handed over to the learned counsel for the parties under the signatures of Bench Secretary since the exams are stated to be starting from 14.07.2017.

13.07.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No