

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

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**CWP No.16165 of 2017 (O&M)**

**Date of Decision: 16.08.2017**

Dheeraj Kumar

... Petitioner

VS.

Maharishi Dayanand University, Rohtak & Ors.

... Respondents

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**CORAM: HON'BLE MR.JUSTICE SURYA KANT**

**HON'BLE MR.JUSTICE SUDHIR MITTAL**

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Present: Mr. Rajat Mor, Advocate for the petitioner

Mr. BL Gupta, Advocate for the respondents

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**SURYA KANT, J. (Oral)**

(1) The petitioner joined the University Institute of Engineering and Technology (UIET) of the Maharishi Dayanand University, Rohtak as a Resource person in September, 2016. He applied for admission in Ph.D. Course in the same Department which was eventually granted to him on 30.01.2017. As per condition No.3 contained in the instructions issued by Dean, Academic Affairs, every Head of the Department was required to obtain an undertaking from the students admitted to M.Phil./Ph.D. courses to the effect that they were not serving anywhere and if they were serving in a Government/private institute, they were to submit NOC as well as relieving order upto 16.02.2017 for the reason that as per rules, no person could pursue regular course while in service.

(2) Since the petitioner was also working as a Resource Person he was asked to submit NOC from the Head of the Department but the same was not issued. Consequently the petitioner's admission was cancelled on 30.03.2017.

(3) The petitioner submitted representations before and after cancellation of his admission requesting for issuance of NOC and he also gave

Course. His request to that effect was also not accepted. He, however, chose to challenge the cancellation of admission by way of this writ petition filed in the last week of July, 2017.

(4) The University has filed written statement reiterating its stand that since the petitioner was working as Resource Person, it was imperative upon him to produce NOC for admission to Ph.D. Course. It is further explained that by now the course is over and the examination, except one practical examination, has also been held.

(5) On the other hand, learned counsel for the petitioner submits that the services of the petitioner as Resource Person have since been dispensed with and thus he is no longer in service of the University. It is claimed that the condition imposed on the petitioner to bring NOC from the Employer has thus become infructuous and is now inapplicable. It is further stated on behalf of the petitioner that there are several instances where mercy chances have been granted to the students to appear in the examination besides the 'capsule course' to hold special classes to make good the deficiency in lecturers, is also conducted.

(6) Since the petitioner is no longer working as Resource Person, there can be no doubt that the condition of producing NOC does not apply in his case. There is, however, unfortunate delay on his part as by now the academic course is over and the examination has also been held. However, if there are instances or past practice in the University for granting mercy chances to the similarly placed students along with capsule course to complete the deficiency in lectures, let such a request to be made on behalf of the petitioner, be sympathetically considered by the Vice Chancellor and other authorities of the University. The writ petition is accordingly disposed of with liberty to the

petitioner to submit a fresh representation to the Vice Chancellor and Dean, Academic Affairs in the above terms. We have no reason to doubt that the University Authorities, irrespective of this litigation, will sympathetically consider such request and take appropriate decision within one week from the date of submission of written request.

(7) Ordered accordingly.

**(Surya Kant)**  
**Judge**

**16.08.2017**  
*vishal shonkar*

**(Sudhir Mittal)**  
**Judge**

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| 1. Whether speaking/reasoned? | <b>Yes</b> |
| 2. Whether reportable?        | <b>No</b>  |