

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

CWP No. 18367 of 2017 (O&M)
Date of decision : December 06, 2017

Boota Singh

..... Petitioner

v.

Baba Farid University of Health Sciences, Faridkot & another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Manish Dadwal, Advocate
for the respondents.

Ajay Tewari, J (Oral)

By this writ petition, the petitioner had challenged the action of the respondents in not permitting him to take the exam of B.Sc (Nursing) 3rd year which was scheduled to be held in the month of August 2017. Stand of the respondents was that as per the extant Regulations, a student could not take the 3rd year exam till he had cleared all the exams of the previous semesters and the Resolutions which the petitioner is relying upon was adopted in a subsequent year.

On 4.9.2017, the following order was passed :-

“ Learned counsel for the petitioner has argued that this identical issue had arisen last year and a similarly situated person had filed petition bearing **CWP No.14627 of 2016** titled as ***Mumtaz Ahmed and another Vs. Baba Farid University of Health Sciences and another*** and by order dated 26.08.2016 this Court had

permitted those petitioners to take the exam provisionally subject to the final result of the writ petition and had directed that the result should be declared only after further orders are passed by this Court. However, thereafter the respondent-University unilaterally declared the result of those petitioners and thereby rendering the writ petition infructuous and that writ petition was withdrawn subsequently. As per learned counsel for the petitioner the respondent-University can not take a different stand in an identical situation now.

Mr. Dadwal, Advocate seeks a short adjournment to ascertain whether these facts are correct.

Learned counsel for the petitioner states that the first examination is scheduled for 05.09.2017 and since the petitioner fulfills all the requirements of attendance etc. he should be now allowed to take the exam provisionally.

Adjourned to 06.09.2017.

In the meantime, the petitioner shall be allowed to take the examination scheduled for 05.09.2017 provisionally.

A copy of this order be given to both the learned counsel under the signatures of the Bench Secretary.”

Thereafter, an affidavit of Dr. SP Singh, Registrar of respondent No.1 was filed wherein it has been mentioned that the result of similarly situated students in the previous year was declared as a result of mistake and further prayed that wrong declaration of the result by mistake may not be treated as a precedent. No counter affidavit has been filed.

In the circumstances, no relief can be granted to the petitioner. Consequently, this writ petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

December 06, 2017
'kk'

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No