

Sr.No.208

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

**CWP No. 23166 of 2016(O&M)
Date of decision:17.05.2017**

Kulbir Kaur and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. N.K.Setia, Advocate
for the petitioners.

Mr. Amit Chaudhary, Addl.AG,Punjab
for respondent No. 1.

Mr. J.S.Rattu, Advocate
for respondent No.2

Rakesh Kumar Jain, J.(Oral)

This petition is preferred at the instance of the students of GNM course studying in the college of respondent No. 3. Petitioners No. 1 to 5 are 2nd year students and petitioners No. 6 to 13 are 3rd year students. They have prayed for a writ in the nature of mandamus directing the respondents to issue Roll Numbers to them to appear in the examination of GNM course starting from 8.11.2016 and to allow them to continue the course. At the time of issuance notice of motion on 7.11.2016, the following order was passed by this Court:-

“Inter alia submits that petitioners No.1 to 5 are students of 2nd year and petitioners No.6 to 13 are students of 3rd year GNM Course and have to appear in the examinations which are starting from tomorrow. The roll numbers were activated only on 05.11.2016, but their names did not find mention on the portal.

Notice of motion.

Mr. J.S. Rattu, Advocate accepts notice on behalf of respondent No.2- council.

Keeping in view the above facts, the petitioners will be issued admit cards provisionally by manual process by the respondent- council for the forthcoming examinations, subject to the final decision of the present writ petition. It is made clear that the result shall not be declared till further orders. Merely on account of appearance in the examinations, the students shall not get any right of equity in their favour. It is made clear that exemplary costs will be payable by the petitioners, in case the allegations are found to be not substantiated at a subsequent point of time.

To come up on 19.12.2016, for service of respondents No.1 and 3

Copy of this order be given to the counsel for the parties under the signatures of the Special Secretary of this Court.”

Counsel for the petitioner has submitted that the petitioners have already appeared in the examinations under the orders of this Court. It is submitted that only objection raised by the respondents is about the non-submission of the hard copies of the examination forms alongwith the certificates.

Counsel for the PNRC has submitted that the petitioners are required to file affidavits about the gap period. It is submitted that in case the affidavits are filed, they would be considered by the PNRC and appropriate orders would be passed.

In this regard, counsel for the petitioner has referred to an order passed by this Court in CWP No. 23156 of 2016 titled as *National Welfare*

Health and Education Awareness Charitable Society,(Regd.) vs. State of Punjab and another decided on 24.04.2017. Counsel for the respondent did not raise any objection and submitted that similar order may be passed in this case as well.

Consequently, the present petition is hereby disposed of with a direction to the respondent that in case the affidavits are filed of the students mentioning the reasons for the gap along with certificates, the same shall be considered by the PNRC to pass appropriate orders. Affidavits be filed within a period of one month and thereafter, needful shall be done by the PNRC in accordance with law and in case, affidavits are not filed then PNRC shall take appropriate proceedings in terms of the order passed by this Court in the case of *National Welfare Health and Education Awareness Charitable Society,(Regd.)(Supra)*.

In the mean time, the result of the petitioners may also be declared.

17th May, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No