

CWP No.11688 of 2018 -1-

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

**CWP No.11688 of 2018 (O&M)
Date of decision: 29.5.2018**

Ujjawal

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr.Harish Nain, Advocate for the petitioner.

Mr.Saurabh Mohunta, DAG Haryana.

Rakesh Kumar Jain, J.(Oral)

Reply filed on behalf of respondents No. 1 to 3 is taken on record.

The petitioner has prayed for the issuance of a writ in the nature of mandamus seeking a direction to the respondents to re-admit him in the 4th semester.

In brief, the petitioner got admission in the course of Fitter Trade in the Government Industrial Training Institute, Pinjupura (Kalayat) District Kaithal. The course is of two years' duration divided into four semesters. The petitioner has cleared three semesters and was admitted to 4th semester. He remained absent from 1.3.2018 till date without seeking permission or even informing the Institute much less the Principal.

As per the reply, the Institute issued letters to the petitioner bearing No.565 dated 8.3.2018, No.615 dated 12.3.2018 and No.681 dated 14.3.2018 to attend the class but neither he attended the class nor gave any

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information about his absence. The Institute then finding no response from the petitioner despite letters, passed the order on 19.3.2017 by which name of the petitioner was struck off in terms of Rule 4.6 of the training manual which read as under:

“4.6 absconders: A trainee who absents himself from a training institute for 10 consecutive days without permission and without informing the Principal of the institute of the reasons for his/her absence, should be treated as absconder and struck off the rolls with effect from the first day of his/her absence. If a trainee returns to the training institute within two weeks after having been struck off as an absconder, he/she may be readmitted by the principal of the institute with the approval of the State Director, provided the trainee given a satisfactory explanation of his/her absence.”

Counsel for the petitioner has submitted that the petitioner could not attend the class firstly because of the death of his grand father; secondly he fell ill on 1.3.2018 and was advised six weeks rest w.e.f. 1.3.2018 till 11.4.2018 and has also appended certificate of Dr.Vinod Gupta dated 11.4.2018 and thirdly because of the marriage of his sister, which was solemnised on 18.2.2018. However, the fact remains that the petitioner has not attended any class even for one day of 4th semester. Counsel for the petitioner has however, referred to Clause 20.4 of the training manual which after translation, read as under:

“The student can be given 15 days medical leave. Besides that in three weeks medical leave can be given in case of one year course and 6 weeks medical leave can be granted in two years course provided the certificate is produced by the student issued by the Medical officer of the Civil Hospital.”

Counsel for the petitioner has submitted that he has been ill and this fact is testified by the certificate given by the doctor attending him but he is a private doctor.

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On the other hand, learned counsel appearing on behalf of the State has submitted that the respondent would follow the provisions of the training manual, which is applicable to all the students alike.

Counsel for the petitioner has submitted that the present petition may be converted into a representation with a direction to respondent No.3 to consider the same sympathetically and decide as early as possible but preferably within a period of one week so that studies of the petitioner may not be adversely effected.

Without observing on the merits of the case, the present petition is hereby disposed of by converting the writ petition as representation and directing respondent No.3 to decide the same in accordance with law as early as possible but preferably within a period of one week from the date of receipt of certified copy of this order.

May 29, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No