

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21609 of 2018

Date of decision: August 28, 2018

Malwa Institute of Nursing

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Davinder Singh Khurana, Advocate for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for the issuance of a writ in the nature of mandamus for seeking direction to the respondents to accept the examination online forms of the students for the session 2017-18 and allow them to appear in the examination subject to the outcome of CWP No.25398 of 2017.

It is pertinent to mention here that in the petition bearing CWP No.25398 of 2017, the following order was passed:

“Subject to petitioner's depositing advance cost of Rs.2.00 lacs with the Registrar Judicial within one week, the respondents are directed to permit the students of the petitioner-Institutes to appear in the examination provisionally but their results shall not be declared. It is made clear that no equity shall stand created in favour of the students as a result of the interim order. For the aforesaid purpose, the respondent No.2 is further directed to accept examination forms of the students subject to the final outcome of the writ petition.

List on 22.1.2018.

Sd/-
(Surya Kant)
Judge

Sd/-
(Sudhir Mittal)
Judge”

The petitioner filed a CM No.12108 of 2018 with the same prayer in the pending petition. In the said application, the following order was passed:

“Learned counsel for the applicant-petitioner states that he may be permitted to withdraw the instant petition with liberty to file fresh one.”

Permitted to do so.

Dismissed as withdrawn with the aforesaid liberty.”

Instead of filing the application again for which permission was granted to the petitioner, the present writ petition has been filed. In my opinion, the writ petition is not maintainable because the petitioner is seeking continuation of the order passed in CWP No.25398 of 2017 for the purpose of admission for the next year. Hence, proper course of action for the petitioner would be to file an application in the pending petition.

With these observations, the present petition is disposed of.

August 28, 2018

Meenu

(Rakesh Kumar Jain)
Judge

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