

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

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**CM No. 45559 of 2018 in/and  
CWP No. 28770 of 2017  
Date of Decision: 26.3.2018**

**Devendra Pratap Singh**

**.....Petitioner**

**v.**

**Pt. B.D. Sharma University of Health Sciences, Rohtak and others**

**.....Respondents**

**CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

Present:- Mr. Sunil Panwar, Advocate, for the petitioner  
Mr. Teevar Sharma, Advocate, for the respondents

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**RAKESH KUMAR JAIN, J.**

**CM No. 45559 of 2018 :**

This application is filed for placing on record photocopies of Annexures R1/1 and R1/2 along with written statement filed on behalf of respondents No.1 to 5.

Application is allowed. Documents along with written statement are taken on record.

**Main Case :**

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the impugned office order dated 29.12.2015 passed by respondent No.4 and for the issuance of a writ in the nature of mandamus directing the respondents to declare his result of MBBS 3<sup>rd</sup> Professional Part-II Examination held in November/December 2015 and to permit him to complete his internship etc.

Learned counsel for the petitioner has submitted that the petitioner belongs to Backward Class (B Category) and has a good academic record. He had appeared in the aforesaid examination but his result has been withheld on account of allegations of impersonating Dr. Dhiraj/House Surgeon and performing his duties from May 2015 to December 2015. Pursuant to a complaint in this regard, an enquiry was held, the petitioner was found guilty of performing the duties of House Surgeon and a penalty to the tune of Rs.3,05,821/-was imposed. Besides this, FIR No. 358 dated 31.12.2015 has also been registered against the petitioner under Sections 419 and 420 of IPC at Police Station PGIMS, Rohtak by the Additional Chief Vigilance Officer, in which charges have been framed, the matter is pending and the service of Dr. Dhiraj was terminated. Both Dr. Dhiraj (House Surgeon) and the petitioner were expelled from the hostel with immediate effect.

But learned counsel for the petitioner has submitted that result of the MBBS 3<sup>rd</sup> Professional Part-II Examination taken by the petitioner cannot be with held by the respondents in the absence of any statutory provisions. It is submitted that there is no allegation against the petitioner of using unfair means in the exam or otherwise.

In the reply, the only stand taken by the respondents is that the petitioner has been guilty of serious offence of performing duties of the House Surgeon by impersonating him. However, there is not a word about any statutory provision under which the result of the petitioner is withheld. Learned counsel for the respondents has thus, failed to point out from any statutory provision by which the punishment of withholding the result of the petitioner can be imposed in such a case.

Thus, the punishment of imposition of penalty to the tune of more than rupees three lakhs, expulsion from the hostel and withholding the result of MBBS 3<sup>rd</sup> Professional Part-II Examination vide the impugned order dated 29.12.2015 is hereby modified only to the extent that the petitioner shall not be inflicted with the punishment of withholding of the result of MBBS 3<sup>rd</sup> Professional Part-II Examination held in November/December 2015.

As a consequence, this writ petition is allowed and the respondents are directed to declare the result of the petitioner of MBBS 3<sup>rd</sup> Professional Part-II Examination held in November/December 2015 and thereafter, the consequences would follow.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

**26.3.2018**  
*Ashwani*

|                   |        |
|-------------------|--------|
| Speaking/Reasoned | Yes/No |
| Reportable        | Yes/No |