

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.4650 of 2018
Date of Decision: 15.03.2018

Piyush Sharma

..... Petitioner

Vs.

Guru Ravidas Ayurved University Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Rajesh Lamba, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 19.1.2018 by which he has been disqualified for the examination held in May/June 2017 and further debarred for appearing in the examinations which were to be held in Nov/Dec 2017 but was allowed to appear in the examination of BAMS 1st year in Nov/Dec 2017.

In brief, the petitioner took admission in the Bachelor of Ayurvedic Medicine and Surgery Course (BAMS) in the year 2014 at Shiv Shakti Ayurvedic Medical College and Hospital (Respondent No.2), which is affiliated to Guru Ravidas Ayurved University, Hoshiarpur, Punjab (respondent No.1). In the said course of 4 years, 3 years were of one year duration and 4th year is of one and a half year duration. The petitioner qualified the 1st and 2nd year examination in June 2015 and 2016, respectively. He appeared in the 3rd year examination in June/July 2017. The

result of which was declared on 01.12.2017. The petitioner was shown to have obtained 664 marks and was declared pass but there were certain students whose result was late on account of Unfair Means Cases (UMC). It is alleged that the petitioner had received a letter, issued by respondent No.1 through respondent No.2 on 29.11.2017, asking the petitioner to appear on 5.12.2017 at 9:30 AM before UMC Committee and result in respect of the petitioner was issued on 6.12.2017 in which it was shown as 'result late' on account of using unfair means. The petitioner had appeared before the UMC Committee and was ultimately disqualified in the examination of all subjects held in May/June 2017 and was debarred from appearing in the examination which were to be held in Nov/Dec 2017.

Learned counsel for the petitioner has argued that there is no criteria for debarring any student as one student namely, Jagjiwan Singh, who was found guilty under ordinances relating to UMC, was disqualified in the examination of all subjects held in May/June 2017 but was allowed to appear in the examination held in Nov/Dec 2017. He was the student of 1st year. It is thus submitted that the petitioner should not have been debarred to appear in the examination held in Nov/Dec 2017.

I have heard learned counsel for the petitioner and perused the available record.

The only agitation of the petitioner is that the other students have been allowed to appear in the examination of Nov/Dec 2017 while they were disqualified in the examination of all subjects held in May/June 2017. The petitioner has not referred to any provision pertaining to the UMC. Moreover, if the other students, who were stated to be similarly situated by

the petitioner, were allowed to appear in the examination held in Nov/Dec 2017, the petitioner being in the same class with Navjot Singh s/o Bikramjeet Singh should have raised an issue for appearing in the examination held in Nov/Dec 2017 but since he did not react at that time and the said period has already been over, therefore, no effective relief can be given to the petitioner in this regard as the said opportunity has long back gone as the petition has been filed on 21.2.2018 and the examination of the 3rd year in May/June are fast approaching.

Thus in the given peculiar facts and circumstances, there is hardly any reason with this Court to interfere in this petition and as such the same is hereby dismissed.

15.03.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No