

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

CWP No. 30435 of 2018
Date of decision:-22.01.2019

Harpal Singh

versus

Panjab University and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. H.S. Saini, Advocate for the petitioner.

Ms. Balpreet K. Sidhu, Advocate for respondents No.1 to 4.

TEJINDER SINGH DHINDSA, J.(ORAL)

A short reply of the Registrar, Panjab University, Chandigarh on behalf of respondent No.1 to 4 has been filed in Court today and the same is taken on record. A complete copy has been furnished to counsel opposite.

With the consent of the counsel for the parties, the writ petition is taken up for disposal today itself.

Pleadings on record spell out that the petitioner was a student of third semester of the LL.B Course in the Panjab University Campus, Chandigarh. Earlier he was studying at the Panjab University, Regional Centre at Hoshiarpur and migrated to the University Campus in October 2018.

Instant writ petition was filed raising a grievance that the prayer/request made by the petitioner seeking a condonation of lecturers pertaining to the third semester of the LL.B Course on the strength of certain medical certificates issued by the PGIMER, Chandigarh, was not

being entertained and the action as such was arbitrary and illegal.

On 30.11.2018, the following order was passed by this Court:-

“As per pleadings on record, petitioner is a student of third semester LL.B.Course in the Panjab University Campus, Chandigarh. Earlier petitioner was studying at the Panjab University Regional Centre at Hoshiarpur and migrated to the University Campus in October 2018.

Counsel submits that on 26.11.2018 the Department of Laws, Panjab University put up a notice reflecting the provisional attendance and lecture shortage of students of LL.B first, third and fifth semesters. As per such notice a Condonation Committee was constituted to consider cases of only such students who have shortage of lectures up to 30. It was further stipulated that students having shortage of lectures more than 30 would submit their applications along with reasons/documentary proof.

Counsel contends that on the following day on 27.1.2018 petitioner submitted an application to the Chairperson, Department of Laws along with supporting documents seeking condonation of 43 lectures pertaining to the third semester on the ground that he was undergoing treatment at P.G.I, Chandigarh and had even undergone a surgical procedure on the left ear. During the course of arguments today, counsel has also made available for perusal of this Court the original documents/OPD Cards etc. issued by the P.G.I, Chandigarh which on the face of it would show that the

petitioner was undergoing treatment at P.G.I, Chandigarh from 17.7.2018 to 24.8.2018 and from 13.9.2018 to 28.09.2018.

Precise grievance raised in the petition is that the entire medical record of P.G.I submitted in support of condonation has been overlooked and without even passing an order/rejecting the representation of the petitioner dated 27.11.2018 at Annexure P-8, he is not being permitted to sit in the examination which has commenced w.e.f. 30.11.2018.

Notice of motion, returnable for 17.12.2018.

In the meanwhile, it is directed that the petitioner would be issued a roll number so as to facilitate his participation in the remaining examination pertaining to third semester LL.B Three Years Course. It is, however, clarified that participation of the petitioner in the examination would be on a provisional basis and would not create any equitable right in his favour. Result of the petitioner shall not be declared without leave of this Court.

A copy of this order be given to learned counsel for the petitioner under the signatures of Bench Secretary.

Learned counsel representing the respondent-University apprises the Court that on 30.11.2018 itself a decision has been taken by the competent authority under the University and as per which the shortage of 43 lectures of the petitioner in the third semester of the LL.B Course has been condoned. Furthermore, in compliance of the order dated 30.11.2018 petitioner has been permitted to appear in the remaining examination of the third semester LL.B Three Years Course.

In view of the above, the instant petition has been rendered infructuous and the same is disposed of accordingly.

It is clarified that there would be no impediment as regards declaration of the result of the examinations in which the petitioner has appeared pertaining to the third semester, LLB Three Years Course.

At this stage, Mr. H.S. Saini, Counsel for the petitioner submits that on account of the inaction on the part of the respondent-university he was prevented from appearing in one paper of the third semester of the three years LLB Course on 30.11.2018. He submits that a representation/application has already been made to the University authorities for permitting him to appear in such paper in the forthcoming examination which are now slated in February 2019. Counsel for the respondent-Panjab University, assures the Court that in case such an application has been filed, the same would be considered as per University Rules and Regulations.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No