

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

**CWP No.10537 of 2020
Date of decision: 25.07.2020**

Akash Rana

... Petitioner

Vs.

Baba Farid University of Health Science and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Himmat Singh Sidhu, Advocate for the petitioner.

Mr. Nitin Kaushal, Advocate for respondents No.1 and 2.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

Affidavit of Dr. G.C, Ahir, Registrar, Baba Farid University of Health Science, Faridkot has been filed on behalf of University-respondent No.1. Same is taken on record. Copy has been supplied to counsel for the petitioner.

Counsel for the parties have been heard.

Present petition has been filed for issuance of a writ in the nature of certiorari for quashing of notification dated 11.06.2020, Annexure P-1 and notification dated 16.07.2020, Annexure P-1/A issued by the University-respondent No.1 for Ist year students of Bachelor of Dental Surgery (BDS) to appear for Examination, May/June, 2020.

Petitioner has also sought issuance of writ of mandamus directing University-respondent No.1 to declare the result of the Ist year students on the basis of internal assessment and marks of previous semester.

By the impugned notification, Annexure P-1, University has issued date sheet for BDS Theory Examination, May/June, 2020 which have been scheduled to be held on 27th, 29th and 31st July, 2020. Impugned notification Annexure P-1/A mentions the list of examination Centres where the practical examinations are scheduled to be held.

The challenge to the impugned notifications has been made primarily on the ground that they are being conducted in violation of the guidelines issued by Government of India, Government of Punjab and Dental Council of India. The respondent-University has already held examinations of BDS 2nd year, 3rd year, and final Prof. examinations as well as MD and MDS final year in the months of June and July, 2020. These examinations were held in pursuance to notification issued by the University-respondent No.1 on 01.06.2020 and 02.06.2020 which were challenged before this Court in CWP No. 9147 of 2020, ***Dental Surgeons Association of India and another Vs. State of Punjab and others***, on similar grounds. By judgment dated 06.07.2020 (Annexure-C) a co-ordinate Bench of this Court did not find any ground to interfere with the said notifications and recorded detailed reasons for doing so.

In its response filed by the University-respondent No.1 to the present writ, it has *inter alia* been submitted that the said examinations were conducted smoothly and no complaint was received from any student or college. It has been further submitted that all due precautions have been taken and the guidelines issued by the Government of India were duly followed by issuing various advisories to the Colleges to ensure compliance of Covid 19 related instructions issued by the

Central and the State Government as well as the Dental Council of India.

The stand of the University-respondent No.1 in its affidavit deserves to be noticed and his reproduced as under:-

“4. That the University has already conducted the MD/MS, MDS and BDS 2nd, BDS 3rd and BDS final Prof. examinations smoothly and successfully. The details of students who appeared in various examinations are as under:-

Sr. No.	Examination Name	No. of Students
01	MD/MS	449
02	MDS	184
03	BDS 2 nd Prof.	894
04	BDS 3 rd Prof.	821
05	BDS Final Prof.	667

5. That no complaint of any type was ever received from respective colleges and the students.

6. That the University is preparing hold the examination of BDS 1st year. The date sheet is as follows:

Date	Subject
27.07.2020	General Human Anatomy
0	
29.07.2020	Dental Anatomy
0	
31.07.2020	Physiology and Biochemistry
0	

7. That total no. of students appearing in BDS 1st year is 821. The college wise detail is as under:-

Details of Students of BDS 1 st Prof for May/June-2020 Examinations			
1	22221-Baba Jaswant Singh Dental College, Ludhiana	1 st Prof.	102
2	22222-Christian Dental College, Ludhiana	1 st Prof.	40
3	22223-Dashmesh Institute of Research & Dental Sciences, Faridkot	1 st Prof.	85
4	22225-Government Dental College,	1 st	40

	<i>Amritsar</i>	<i>Prof.</i>	
5	22226-Government Dental College, <i>Patiala</i>	<i>1st</i> <i>Prof.</i>	40
6	22227-Guru Nanak Dev Dental College, Sunam	<i>1st</i> <i>Prof.</i>	44
7	22228-Luxmi Bai Instt. Of Dental Sciences & Hospital, Patiala	<i>1st</i> <i>Prof.</i>	97
8	22229-Genesis Institute of Dental Sciences & Research, Ferozepur	<i>1st</i> <i>Prof.</i>	44
9	22232-National Dental College, Dera Bassi	<i>1st</i> <i>Prof.</i>	71
10	22233-SGRD Inst. Of Dental Sci. & Research, Amritsar	<i>1st</i> <i>Prof.</i>	60
11	22234- Shaheed Kartar Singh Sarabha Dental College, Sarabha (Ldh)	<i>1st</i> <i>Prof.</i>	40
12	22235-Rayat Bahra Dental College & Hospital, Sahauran, Mohali	<i>1st</i> <i>Prof.</i>	49
13	22237-Sri Sukhmani Dental College & Hospital, Dera Bassi (Patiala)	<i>1st</i> <i>Prof.</i>	109
	<i>Total</i>		821

8. That the University has issued instructions/advisory to all the respective colleges to follow strictly, the guidelines issued by Govt. of India/Govt. of Punjab as well as Dental Council of India regarding Covid-19 Pandemic. The colleges have been instructed to take all necessary precautions regarding Covid-19. The colleges have been directed to maintain social distancing, use masks and sanitize the examination hall, washroom, rest room, passages frequently and even before the start of examination. Various advisories issued to Colleges are annexed as Annexure –B.

9. That it is further submitted that the University for the convenience of the students has given the option to opt for any examination centre of their choice near their place of residence. This is to further submit that one of the student of MDS examination was resident of State of Maharashtra had opted that his MDS examination be conducted in the State of Maharashtra. The University accepted his request and successful conducted his exam in state of Maharashtra near his place of residence in Dental

College affiliation (sic affiliated) with Maharashtra University of Health Sciences.”

A perusal of the petition shows that the petitioner has not pointed out any violation in the conduct of the examinations by the University in June and July, 2020. Reference has been made by the counsel for the respondent-University to order dated 28.06.2020 passed by the Hon’ble Supreme Court in Special Leave Petition (Civil) No.13461/2020, ***Maghi Devi Vs., Union of India and others*** whereby the Supreme Court while dismissing the SLP had observed that the petitioner therein failed to refer to even a single incident in the SLP to highlight the deficiency of facilities or for that matter flouting of any protocol specified by the Central or State Government in any examination centre while conducting such examination during Covid 19 Pandemic situation.

An argument has been raised by Mr. Sidhu, counsel appearing for the petitioner that students residing in different parts of the country are unable to reach the State and appear for the examination. The present petitioner is a resident of Zirakpur, District Mohali and his examination centre is at Sri Sukhmani Dental College, Derabassi which also falls within District Mohali. The petitioner cannot be permitted to espouse the cause of other students who have not approached this Court.

Mr. Sidhu has expressed an apprehension that practical examination notified vide Annexure P-1/A cannot be conducted on account of spread of contagion. After getting instructions, Mr. Kaushal has clarified that though no dates for conducting the practical examinations have been fixed, but whenever the practicals are conducted, they will be non-living subjects after taking all due precautions.

In view of the above, this Court does not find any reason to

intereferre with the impugned examination notifications. Writ petition is accordingly, dismissed.

25.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No