

229-4

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

CWP-10713 of 2020 (O&M)

Date of decision: October 01, 2020

Priyanka

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ramandeep Singh, Advocate for the petitioner.

Mr. Karan Kumar Jund, Advocate for respondent No.1.

Mr. R.S. Dhull, Additional AG Haryana
for respondent No.2.

Mr. Salil Sablok, Advocate for respondent No.3.

Ms. Surabhi Kaushik, Advocate for
Mr. Prateek Mahajan, Advocate for respondent No.4.

MAHABIR SINGH SINDHU, J

Present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of Certiorari for quashing of D.O. dated 06.07.2020 (P-9) for revised guidelines for examinations and D.O. dated 08.07.2020 (P-8) for Standard Operating Procedure (SOP) for conducting of examination issued by University Grants Commission (UGC).

CM-6853-CWP-2020

Application has been filed for exemption from filing certified copies of annexures P-1 to P-12 and permission to place on record true typed copies thereof.

For the reasons stated in the application, the same is allowed,

as prayed for, subject to all just exceptions.

Main case

It transpires that co-ordinate Bench of this Court, on 28.07.2020 issued notice of motion and the case was ordered to be heard along with CWP-9855-2020. Thereafter, on 20.08.2020, the present writ petition along with other cases was adjourned *sine die* to await the decision of the Hon'ble Supreme Court in Writ Petition (Civil) No.724 of 2020 titled as Praneeth K and others versus University Grants Commission (UGC) and others.

Above writ petition has been decided on 28.08.2020 by the Hon'ble Supreme Court and para No.111 of the judgment reads as under:-

“111. In view of our foregoing discussion and conclusion, this batch of cases is disposed of in the following manner:

(1) The prayer to quash the revised guidelines dated 06.07.2020 issued by the University Grants Commission and OM dated 06.07.2020 issued by the Ministry of Human Resource Development and letter datd 06.07.2020 issued by the Ministry of Home Affairs is refused.

(2) The decision taken by the State Disaster Management Authority/ State not to hold final year/ terminal semester examination by 30.09.2020 in exercise of power under Disaster Management Act, 2005 shall prevail over deadline fixed by the Univerisity Grants Commission i.e. 30.09.2020 in respect to the concerned State.

(3) The decision of the State/ State Disaster Management Authority to promote the students in the

final year/ terminal semester on the basis of previous performance and internal assessment being beyond the jurisdiction of Disaster Management Act, 2005 has to give way to the guidelines of UGC dated 06.07.2020 directing to hold examination of final year/ terminal semester. The State and University cannot promote the students in the final year/ terminal semester without holding final year/ terminal examination.

(4) If any State/ Union Territory in exercise of jurisdiction under Disaster Management Act, 2005 has taken a decision that it is not possible to conduct the final year/ terminal semester examination by 30.09.2020, we grant liberty to such State/ Union Territory to make an application to the University Grants Commission for extending deadline of 30.09.2020 for that State/ Union Territory which shall be considered by UGC and rescheduled date be communicated to such State/ Union Territory at the earliest.”

It transpires that a *posteriori* to above judgment of Hon'ble Supreme Court, fresh revised date-sheet for second and fourth semester examinations was issued by the University on 31.08.2020 and both sides are *ad idem* that in pursuance of the revised date-sheet, petitioner has undertaken her examinations. It is further acknowledged that as on today, petitioner is having no grievance against the respondents.

Upon issuance of the revised date-sheet dated 31.08.2020 as well as changed circumstances to the effect that petitioner is having no grievance against the respondents after taking her examinations, thus, no cause of action survives in the present writ petition; consequently, the

same is disposed off as having been rendered infructuous.

Ordered accordingly.

Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

October 01, 2020

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No