

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

CWP-12014-2020

DATE OF DECISION: 16.09.2020

SHRI RAM KRISHAN PRAMHANS SHIKSHA PARISHAD

... Petitioner (s)

Versus

UNION OF INDIA AND ANOTHER ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parveen Gupta, Advocate for the petitioner.

Mr. Arun Gosain, Advocate for respondent No.1.

Mr. Jagbir Singh, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner has sought quashing of the communication dated 16.07.2020 (Annexure P-8) whereby respondent No.2 has declined to declare the result of the students of the petitioner-institute.

The students of the petitioner-institute had been allowed to take the examination of BAMS (Ist year) examination in pursuance to the order passed by this Court in CWP No.18352 of 2019 and in an application preferred before the Delhi High Court for declaration of the result, it has been observed by the Delhi High Court by the order dated 06.08.2020 (Annexure P-10) that as the students were allowed to take examination in pursuance to the order of this Court, the petitioner should approach this Court for declaration of the result.

Heard.

The students of petitioner/college had preferred a writ petition bearing CWP No.18352 of 2019 seeking a direction to the respondents therein to adjust them in some other college affiliated to the University for the examination to be held on 02.08.2019. The Single Bench of this Court by the order dated 01.08.2019 had directed that the petitioners would be permitted to appear in the examination of BAMS (Ist year). It was also observed that this arrangement is purely on a provisional basis and it was made clear that it would confer no equity or right in their favour and that the result will not be declared without permission of the Court. The relevant extract of the order dated 14.02.2020 is reproduced hereunder:

“12. xxxxx I am of the view that interest of justice would be served if the petitioners are provisionally permitted to appear in the examination of BAMS first year scheduled to be held w.e.f. 02.08.2019, subject to completion of formalities as may be required by respondent No.5-University/satisfaction of respondent No. 5 University. It is made clear that the arrangement is purely on provisional basis and would confer no equity or right in favour of the petitioners solely on account of their having been allowed to take the examination on provisional basis on their own risk and responsibility. Result of the examination qua the petitioners shall not be declared by respondent No. 5 University without the permission of the Court and the same would be subject to the outcome of the writ petition.”

The petition was finally dismissed on 14.02.2020. The factum of the petitioners therein having taken the examination had also been considered by the coordinate Bench. The relevant extract of the order dated 14.02.2020 is reproduced hereunder:

“9. From the aforementioned factual matrix as well as the submission of learned counsel for the parties, it is clear that respondent No.6-college was not granted the necessary approval by the Union of India and consequently, it was unable to seek

affiliation with respondent No. 5-University. Grant of an NOC by the State of Haryana did not entitle the college to make admissions. The admissions of the writ petitioners were made pursuant to interim order dated 30.10.2018 and no rights can be conferred by virtue of interim orders. Moreover, the petitioners were fully aware of the status of their admission and accordingly, they cannot even seek any equities in their favour. Even the interim order dated 01.08.2019 passed by this Court permitting them to take the examination of the first year BAMS course does not confer any equities upon them. In fact, the said order specifically states that the petitioners would take the examination at their own risk and responsibility. The admission of the petitioners in respondent No.6-college was purely provisional. In fact, the college could not make any admissions legally as it was neither approved nor affiliated.”

Thereafter, an appeal bearing LPA No.303 of 2020 was preferred against the order dated 14.02.2020 passed by the Single Bench which was dismissed by the Division Bench of this Court on 12.03.2020.

It is, thus, patent that the interim order permitting the students of the petitioner-institute to take the examination had merged in the final order passed on 14.02.2020 whereby the petition had been dismissed. This order had been challenged in LPA which was also dismissed. It would be inappropriate for this Court to direct the declaration of the result of examination taken in pursuance to an interim order passed in proceedings which had attained finality.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

16.09.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No