

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP no.14449 of 2020

Date of decision:16.9.2020

Rahul

...Petitioner

vs

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.V.P.Singh, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks issuance of a writ in the nature of certiorari, quashing the impugned action of respondents no.2 and 3 in not issuing an admit card/roll number to him, required for appearing in the IIInd and IVth Semesters examinations, as a candidate in the 'improvement category', despite being fully eligible.

He further seeks issuance of a writ in the nature of mandamus directing respondents no.2 and 3 to allow him to appear in the said examinations, by deciding his representation dated 9.9.2020 (Annexure P-9).

Learned counsel for the petitioner submits that the petitioner had in fact earlier passed the examination to obtain a degree of Masters in

Social Work (MSW) in the year 2019 and he now seeks to improve his marks/grading and had consequently applied to the respondent-University to allow him to do so by appearing in all the semester examinations, towards that purpose.

He further submits that the examinations for Semester II and Semester IV are on-going but the petitioner has not been issued the 'admit card' despite his application having been sent on time.

Notice of motion.

Mr.R.K.S.Brar, learned Addl.AG, Haryana, accepts notice at the asking of the court on behalf of respondent no.1, with Ms.Baani Chhibber Mahajan, Advocate, accepting notice on behalf of Mr.Pardeep Mahajan, Advocate, for the respondent-University.

She submits that as a matter of fact instructions have been received from the Department of Higher Education, Government of Haryana, to the effect that the examinations for improvement in marks/grades and examinations for clearing additional subjects, would be held later and not alongwith the regular examinations being held presently.

That being so, I would actually see no reason to entertain this petition because the curtailment of number of candidates has obviously been due to the on-going Covid-19 pandemic.

Further, learned counsel for the petitioner today has submitted that out of the total 11 tests papers of the complete examinations, 6 have already been held.

He further submits that if the examination for improvement in marks is held in May, 2021 next year, the University may raise an objection

to the effect that such examinations must be cleared within two years of the original examination taken, which would then be more than two years in the case of the petitioner.

He next submits that as per the petitioners' information, there are only 5 to 6 additional candidates who are seeking improvement in their marks/grading and therefore there would be no additional burden as regards the number of candidates appearing in the regular examination.

Having considered the above, even if that is so, the fact of the matter is that 6 tests out of the 11 tests to be held for the IInd and IVth Semester examinations have already been held; hence, obviously to clear the remaining examinations even if this court allows the petitioner to appear in the examinations presently ongoing, he would still have to appear in the remaining test papers when the examinations are held again.

As regards the contention of the period of two years getting over by then, obviously if the University is not allowing the petitioner and others like him to take improvement examinations at the moment, it cannot deny him (and such other candidates), the right to appear in such examinations as and when they are held after the on going present examinations.

That being so, this petition is disposed of with a direction to the respondent-University that as and when the examinations are conducted for improving marks or for additional papers, the two year bar would not operate in the case of those candidates who are not being allowed in the present examinations only because of the on going Covid-19 pandemic (or for any other reason), which is obviously not the fault of the petitioner and

other candidates like him.

16.9.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No