

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

**CWP-16722-2020 (O&M)
Date of Decision:09.10.2020**

Pravesh Kumar & others

... Petitioners

Versus

J.C. Bose University of Science & Technology & another ... Respondents

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

Present:- Mr. Vishal Aggarwal, Advocate for the petitioners.

Mr. Tribhuvan Dahiya, Advocate for respondent No.1.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Advocate for respondent No.2.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Challenge in the instant petition is to a Notification/Date sheet dated 28.09.2020 (Annexure P-15) issued by the J.C. Bose University of Science & Technology YMCA, Faridabad and in terms of which re-appear examinations for B.Tech courses are scheduled to commence w.e.f. 12.10.2020.

Instant petition is at the hands of 150 students who are currently studying with the 2nd respondent/Institute and are admitted to different branches of the BBA/BCA/B.Tech. Courses.

Essentially the grievance portrayed in the petition is that since the petitioners are already pursuing their respective courses and it is not a

case of seeking fresh admission, the re-appear examinations ought to be postponed on account of the current Covid-19 pandemic. While seeking postponement of the re-appear examinations which are now slated to commence w.e.f. 12.10.2020, the petitioners have placed reliance upon State Government Notifications/UGC Guidelines.

Since an advance copy of the writ petition had already been served upon the respondents, Mr. Sunil Chadha, Sr. Advocate along with Mr. Akshay Chadha has entered appearance on behalf of respondent No.2.

Mr. Tribhuvan Dahiya, Advocate has entered appearance on behalf of the contesting respondent No.1/University.

Mr. Tribhuvan Dahiya, Advocate informs the Court that the grievance of the petitioners already stands redressed in terms of a notice dated 05.10.2020 that was issued by the Controller of Examinations of the University. A copy of the notice was forwarded to this Court as also to counsel representing the petitioners and the 2nd respondent/Institute.

The notice dated 05.10.2020 reads in the following terms:

“NOTICE

Sub: Queries/requests about online mode of conduct of re-appear examinations for students of Intermediate semester w.e.f. October 12, 2020.

Reference the emails being received containing queries/requests from the students on the subject;

As clarified by the State Govt. vide Memo No.KW-18/79-2020 UNP (4) dated Aug 31,2020, the concerned students have been promoted to the next semester and the reappear examinations for such students are being held w.e.f. Oct 12, 2020 so as to provide the opportunity to clear/pass the subject(s) in which they had failed/remained absent. It is

hereby reiterated that these examinations will be held in offline mode only.

However, the students who are unable to appear in these examinations due to ongoing pandemic may opt not to appear in these examinations. Such students will be provided another opportunity to appear in respective reappear examinations as and when the pandemic subsides and the circumstances resume to normal.

*Assistant Registrar (Exams)
for Controller of Examinations*

Endst No.COE/conduct/11

Date: Oct 05, 2020.”

Mr. Vishal Aggarwal, Advocate submits that in view of the Notice dated 05.10.2020, grievance of the petitioners for the present, stands redressed and as such, nothing survives in the instant petition.

Writ petition is accordingly disposed of as infructuous.

In all fairness, the contention raised by Mr. Vishal Aggarwal, Advocate would require notice that the petitioners entertain an apprehension that if they opt not to participate in the re-appear examinations as per option given in the Notice dated 05.10.2020, there is a possibility that they may be prejudiced in terms of not being promoted to the next semester of the course that they are pursuing. In this regard, it is clarified that it would always be open for the petitioners/students concerned to avail of their remedies in such eventuality in accordance with law.

Disposed of.

09.10.2020

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |