

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CWP-17083-2020

Date of decision: 15.10.2020

Sachin Choudhary and others

....Petitioners

versus

JC Bose University of Science & Technology (Formerly Known as
TMCA University of Science & Technology) and another

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vishal Aggarwal, Advocate for
Mr. Arun Kapila, Advocate
for the petitioners.

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

Mr. Manish Chaudhary, Advocate
for respondent No.2.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioners-Sachin Choudhary and eight others, have jointly filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of certiorari quashing of Clauses 3 and 4 of the Notice dated 12.10.2020, issued by the respondent-University (Annexure P-28) seeking to levy late fee and re-scheduling/re-appear examination of the petitioners and further a writ of mandamus directing the respondent-University to permit the petitioners and other similarly placed students (admitted in 2017-18 and 2018-19, currently

studying in 7th and 5th semesters respectively) to appear in the on-going re-appear examination, being conducted by the respondent-University, as per notification/date sheet dated 28.09.2020 (Annexure P-17).

Records of the case show that on 14.10.2020, this case was adjourned for today, to await the orders passed by the Co-ordinate Bench in CWP-6715-2020.

Learned counsel for the petitioners, by making specific reference to Para 18 of the petition, submits that the respondent-University has issued notification/date sheet dated 28.09.2020, stating therein that physical examination for the reappear students would be held at Faridabad from 12.10.2020. He then refers to the Para 22 of the petition, to submit that on various dates as mentioned in this paragraph, attempts were made on behalf of the petitioners to request the respondent No.1-University and also through proper channel request the respondent-College/Institute to accept the scanned copy of the examination forms of reappear students, upon its portal and with a specific request to issue admit cards, so that they can take the ongoing examinations.

Learned counsel for the respondent-University has forwarded to the Admin of the Video Conferencing group and also respective counsel, the notice dated 14.10.2020 on the subject 'Submission of forms for even semester reappear examinations for intermediate semester students of Echelon Institute of Technology (EIT), Faridabad & Conduct of these examinations'. By making reference to the same, learned counsel submits that he has further instructions from the University, to submit that in pursuance to this, the petitioners shall be given the admit cards promptly and they will be allowed to take the ongoing

examinations without any further delay. It is expected that they would be issued the admit cards tomorrow itself i.e. 16.10.2020. He further submits that he has further instructions from the University, to submit that separately, once all the forms are submitted, within one day thereof, the University shall inform the College the amount for which the bank guarantee as security against the late fee, has to be deposited. To be fair, the College will be given sufficient time not less than three days, to comply with the same.

At this stage, this Court accepts the stand of the University and it is also clarified that the procedure of accepting forms, the calculation of amount of late fee, the amount of bank guarantee to be given by the College for security as alleged by respondent No.1-University, shall be separate, independent exercise/proceedings, but in no way, shall be a condition or much less pre-condition in issuing the admit cards to the petitioners. For taking exams it is once again reiterated that it is directed and is expected from the University that the admit cards shall be promptly given to the petitioners in any case, not later than 16.10.2020.

Learned counsel for the petitioners further makes an oral request that the petitioners would make a comprehensive representation with proposal(s) and request the University to re-schedule the exams which they have not been able to take.

Oral request made by counsel for the petitioners, is accepted.

Petitioners may approach the Competent Authority of the University with the aforementioned representation and accordingly, the Competent Authority is directed to decide the same in accordance with law promptly, maximum within three working days from submission of the said

representation.

At this stage, it is made clear that what has been recorded above, is the submission of the University and is in no way to be treated as finding of this Court regarding the issue of furnishing of bank guarantee as security or to give any other security. This issue if so advised, College can take up with the University separately in separate proceedings.

A copy of this order be sent to the Competent Authority, by the Registry through e-mail or any other mode, so as to enable the said authority to do the needful expeditiously.

Civil Writ Petition is disposed of accordingly, in view of the above terms.

(GIRISH AGNIHOTRI)
JUDGE

15.10.2020
anju rani

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No