

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 20635 of 2020

Date of Decision: 3.12.2020

Echelon Educational and Welfare Society

---Petitioner

vs.

**J.C.Bose University of Science & Technology (formerly YMCA
University of Science & Technology**

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Sunil Chadha, Senior Advocate with
Mr. Aman Sharma, Advocate
for the petitioner

Rekha Mittal, J.

Challenge in the present petition has been directed against notice/letter dated 4.11.2020 (Annexure P-10) issued by the respondent-University thereby announcing schedule of conducting examination in academic year 2020-21 from Ist week of December, 2020 (for regular and re-appear examinations) for the under-graduate and post-graduate students, consequential letter dated 26.11.2020 (Annexure P-11) declaring conduct of practical examination from 4.12.2020 to 15.12.2020 and letter dated 27.11.2020 (Annexure P-12) announcing date of online examination, being violative of the mandatory guidelines dated 29.4.2020 issued by the University Grants Commission (in short "UGC").

Counsel for the petitioner would contend that based upon recommendations of expert committee constituted by UGC, UGC framed guidelines issued vide letter dated 29.4.2020 (Annexure P-4). As per guidelines, examinations have to be conducted mandatorily by the University between 1.1.2021 to 25.1.2021, hence, the respondent had no right/authority to prescribe a different schedule for conduct of examination. It is further argued that guidelines issued by the UGC are mandatory in nature, as has been so held by Hon'ble the Supreme Court in **Praneeth K. and others vs. University Grants Commission (UGC) and others** alongwith connected cases 2020(5) ALT 120. It is argued with vehemence that since the schedule of examination fixed by the respondent is contrary to what has been prescribed in the statutory guidelines issued by the UGC, the impugned letters are liable to be set aside by way of writ of certiorari.

I have heard counsel for the petitioner and perused the paper book particularly various annexures appended with the petition.

Indisputably, the first letter fixing schedule for practical and theory examination was issued by the respondent-university, vide letter dated 4.11.2020. Counsel, in response to a query, would fairly inform that in pursuance of letter dated 4.11.2020, the petitioner invited applications from the students for examination. It is also a matter of record that some of the students approached this Court vide CWP No. 19347 of 2020 and in the said case, this court passed order dated 12.11.2020 (Annexure P-9) whereby the petitioner therein and other similarly situated students enrolled with the respondent-university were permitted to submit their assessment/examination form for intermediate semesters alongwith

prescribed fees but without any late fees. As informed by counsel for the petitioner, in the said case, the petitioner society has also been arrayed as one of the respondents. Perusal of Annexure P-9 would reveal that one Sh. Manish Kumar Chaudhary, Advocate caused appearance on behalf of respondent No. 2 therein. The petitioner-society, for the reasons best known, still did not challenge letter dated 4.11.2020 until filing of instant petition on 1.12.2020. Counsel, in response to a query, could not give any justifiable explanation for failure of the petitioner-society to file the petition till 1.12.2020 if it had any grievance to express or seek stay in a case involving fixed schedule of examination commencing w.e.f. 4.12.2020. On the contrary, counsel advanced misleading arguments that theory examinations were scheduled to be conducted w.e.f. 3rd week of December, 2020/January 2021 but it is only vide letter dated 26.11.2020 practical examinations were scheduled to be conducted from 4.12.2020 to 15.12.2020, as such, the petitioner has not caused any delay in approaching this court after issuance of letter dated 26.11.2020. This contention raised by counsel is fallacious when examined in the light of letter dated 4.11.2020 (Annexure P-10) wherein it has been specifically recorded that practical examinations of 3rd, 5th and 7th semester students (except Ist Semester) will be conducted from 4.12.2020 to 10.12.2020.

Counsel, on asking of the court, made a half hearted submission that there are only 4-5 colleges affiliated to the respondent but he could not make a definite commitment as he wanted to seek necessary clarification. The examinations as per schedule given by the respondent-university is to be conducted in all the colleges affiliated with the respondent. In the given

scenario, grant of any interim order would amount to passing of order at the back of other colleges affiliated to the respondent and students enrolled therein without an opportunity of being heard. It appears that the petitioner-society intentionally did not file the petition in time so that it should be successful to get an interim order without an opportunity of hearing to the respondent-university. This apart, if the respondent has violated any guidelines issued by the UGC, it is for the respondent to face consequence of such violation in case the UGC is legally competent to initiate any action in this regard.

Coming to the judgment in **Praneeth K. and others case (supra)**, Hon'ble the Supreme Court was seized of a dispute between the students and the UGC regarding conducting of examination etc. The Hon'ble Apex Court rejected plea raised by the students and upheld the guidelines issued by the UGC. However, there was no dispute before the court *inter se* the university/colleges and UGC. As such, petitioner can not derive any advantage to its contention from what has been held in **Praneeth K. and others case (supra)**. As a cumulative effect of the aforesaid discussion, I do not find any reason to intervene.

Dismissed.

(Rekha Mittal)
Judge

3.12.2020
paramjit

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