

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

112

LPA No.892 of 2020

Date of Decision: December 16th, 2020

Manish and others

...Appellants

Versus

Indira Gandhi University Meerpur, Rewari and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Prateek Gupta, Advocate
for the petitioners.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J.

This appeal has been preferred by the appellants-petitioners impugning the order dated 07.09.2020 passed by the learned Single Judge, whereby while issuing notice of motion, the re-scheduling of the two earlier examinations held on 04.09.2020 and 07.09.2020 has not been ordered and only direction has been issued to the Indira Gandhi University Meerpur to permit the appellants-petitioners to appear in the examination subject to the decision of the writ petition. The subsequent application of the petitioners for modification of the order dated 07.09.2020 i.e. CM-12717-CWP-2020 praying for the said relief, stands dismissed on 02.12.2020, which order has also been impugned.

2. Learned counsel for the appellants has asserted that the grievance of the appellants is that the appellants are pursuing Bachelor of Physical Education (2 years regular course), where they were admitted in December 2018. They had been appearing regularly for the 1st, 2nd and 3rd semester examinations. The 4th semester examination was announced on

25.08.2020 to be held in September 2020 but the appellants-petitioners were not issued the admit cards forcing them to approach this Court by way of writ petition, which was filed on 03.09.2020. The 1st examination, which was scheduled to be held, was on 04.09.2020 in the subject of Measurement and Evaluation of Physical Education followed by 2nd examination on 07.09.2020 in the subject of Yoga Education. The writ petition ultimately got to be listed on 07.09.2020, when the learned Single Judge proceeded to issue notice and grant permission to the petitioners to appear in the examinations but no direction was issued for re-scheduling of the examinations, which have already been held on 04.09.2020 and 07.09.2020 despite a specific prayer having been made in the writ petition. Petitioners thereafter filed an application i.e. CM-12717-CWP-2020 praying for modification of the order dated 07.09.2020 to the said extent, which application was dismissed by the learned Single Judge vide order dated 02.12.2020. Appellants, in these circumstances, were left with no option but to file an appeal against the orders passed by the learned Single Judge, referred to above.

3. It is asserted by the counsel for the appellants that since the appellants-petitioners are participating in the 4th semester, which is the final semester of the course, with two examinations having been missed by them, which were held on 04.09.2020 and 07.09.2020, the result of the appellants-petitioners would be delayed putting them at a disadvantageous position as they would not be able to participate in the selections for appointment, which are likely to be held. The other students of the batch would gain a march over them. In case re-scheduling is ordered of the already held two above-mentioned examinations, the appellants-petitioners

would save the valuable time, especially when there was no fault on the part of the appellants-petitioners. He, therefore, prays for allowing the present appeal by modifying the order dated 07.09.2020 and setting aside the order dated 02.12.2020.

4. On considering the submissions made by learned counsel for the appellants, we do not find any reason to interfere in the orders impugned passed by the learned Single Judge at this stage, especially in the light of the observations made in order dated 07.09.2020. However, keeping in view the fact that the appellants-petitioners are students and would loose valuable time, it would be open to the appellants-petitioners to make same/similar prayer with regard to the re-scheduling of the two papers, which had already been held on 04.09.2020 and 07.09.2020 once the pleadings in the matter are complete.

5. The present appeal stands disposed of with above observations.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 16th, 2020
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No