

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

**CWP No.1518 of 2021 (O&M)
Date of Decision:22.01.2021**

Ranvir Singh Sidhu & others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Priyavrat Parashar, Advocate and
Ms. Tanvi Dubey, Advocate for the petitioners.

Mr. Suveer Sheokand, Addl. A.G. Punjab

Mr. Salil Sabhlok, Advocate for respondent No.2.

Mr. Rajat Khanna, Advocate for respondents No.3 and 4.

TEJINDER SINGH DHINDSA J.(Oral)

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

Instant petition is at the hands of 159 petitioners who are stated to be pursuing the undergraduate B-Tech Course in different streams/branches with the Thapar Institute of Engineering & Technology, Patiala.

Challenge in the petition is to a notice dated 25.12.2020 (circulated through email) whereby the respondent-Thapar Institute has taken a decision to call the students to write the End Semester Terminal Examination (EST) through offline mode and such examination to commence w.e.f. 25.01.2021.

Perusal of the impugned notice would show that where a student is unable to appear in the EST examination then he/she would be awarded a “U” Grade (Unattempt Grade) for the course in question. Such 'U' Grade will not be considered as a backlog and would not be reflected in the grade card due to Covid-19 Pandemic situation. Option has been given to the student to appear in his/her EST as a day scholar or as a hosteller. Students choosing to appear in the EST as hostellers would be under strict quarantine period for at least one week. The notice further recites that keeping in view the expected strength of students appearing in the EST as hostellers and the social distancing norms laid down by the Government, the hostel facility would be limited and the allocation thereof would be upon on the arrival of the student on a first come first served basis. To accommodate students from far of cities, students residing within 150 kms. radius of Thapar Institute Campus have been advised to appear in the EST as day scholars.

It would be apposite to take note that a subsequent email was also circulated on 01.01.2021 by the respondent-Thapar Institute and as per which considering the long distance travel which the students may have to cover and the apprehension prevailing on account of the current Covid-19 pandemic situation certain dedicated centres of examination across the country numbering 35 were also detailed out.

The tone and tenor of the challenge to the notice at Annexure P-1 set up in the writ petition is that the decision to conduct offline examination is in flagrant violation of the fundamental rights of the petitioners as it fails to take into consideration the great risk to which the examinees would be exposed to on account of the Corona Virus outbreak.

Right at the commencement of the hearing of the instant petition, both the counsels representing the petitioners were confronted by this Court with regard to the decision taken by the Punjab Government to re-open all Government Aided and non aided colleges including all Government and private universities w.e.f. 21.01.2021. It was put to the counsel that a decision had been taken by the State Government that it would be in the interest of the students that educational institutions should conduct classes through both offline and online medium and conduct the semester/annual examination through offline medium only. Further Punjab State had taken a decision that hostels should be opened in the Universities as also Colleges but subject to strict compliance of the Covid-19 instructions/protocol. That apart counsels were also confronted with the factual premise that in the very recent past, Punjab Engineering College as well as the I.K. Gujral Technical University, Jalandhar have conducted examinations through the offline mode

Clearly the Covid-19 situation has eased to a certain extent. Universities/colleges have taken decisions towards partial opening up as also to conduct examinations through offline medium. Due compliance of the Covid-19 guidelines issued by the Government of India/State Government and local administrative authorities of course have to be observed.

At this stage, counsel for the petitioners would make a statement they would not be pressing their challenge to the notice dated 25.12.2020 (Annexure P-1) but would confine the scope of the instant petition as regards following three reliefs:-

1. It is submitted that all the 159 petitioners herein have already submitted their options and willingness to participate in the

offline examination. However, on account of the peculiar Covid-19 situation prevailing in the country, in the eventuality of any of the petitioners not appearing in the EST examination for the semester in question they ought still to be awarded a 'U' Grade (unattempt Grade);

2. Some of the petitioners belong to States in India where there is no dedicated exam centre set up by the respondent-University. In case such students were to travel and reach Patiala i.e. the seat of the respondent-Thapar Institute and are armed with a recent Covid negative report they should be accommodated in the hostel on a priority basis;
3. Insofar as being awarded 'U' Grade (Unattempt Grade) on account of not appearing in the EST of the semester in question an email has been circulated by the Dean of Academic Affairs of the respondent-Institute that the examinations pertaining to 'U'Grade would be conducted tentatively in June/July 2021. In this regard a submission is advanced that the respondent-institute may conduct for 'U'Grade examinations in the months of March/April 2021 so as to enable such students to participate in other competitive examinations.

Notice of motion is issued in the instant writ petition confined only qua the three aspects culled out hereinabove.

Mr. Rajat Khanna, Advocate, has joined proceedings and accepts notice on behalf of the contesting respondents No.3 and 4. A complete copy of the petition already stands forwarded to him.

Mr. Suveer Sheokand, Addl. Advocate General, Punjab, has entered appearance on behalf of State/respondent No.1 and Mr. Salil Sabhlok, Advocate, has entered appearance on behalf of respondents No.2- University Grants Commission.

The instant petition was taken up for hearing in the pre-lunch session and keeping in view the urgency in the matter as the exams in question are slated to commence w.e.f.25.01.2021, Mr. Khanna, is requested to complete instructions forthwith in terms of the three aspects on which notice has been issued.

Hearing would now resume in the post lunch session.

Matter has again been taken up at 3.45 P.M.

Mr. Rajat Kahnna, Advocate, upon instructions from Mr. Gurbinder Singh, Registrar, respondent-Thapar Institute, informs the Court that insofar as such of the petitioners who do not appear in any of the forthcoming EST examination slated to commence w.e.f. 25.01.2021, they would be awarded a 'U' Grade (Unattempt Grade). Court has further been informed that such of the petitioners who belong to States across the nation in which no dedicated examination centre has been set up and if they were to travel to Patiala, armed with a recent Covid negative report, they would be accommodated and afforded hostel facility so as to facilitate their participation in the EST examination commencing w.e.f. 25.01.2021.

Statement of Mr. Rajat Khanna, Advocate, is accepted.

Insofar as the submission advanced by counsels representing the petitioners that the conduct of the 'U' Grade examination be preponed from June/July 2021 and the same be conducted in the months of March/April

2021, liberty is granted to the petitioners to approach respondent-Institute in such regard by submitting a representation within a period of two weeks from today. In the eventuality of any such representation being preferred, the competent authority under the respondent-Thapar Institute would be obligated to consider the same, to take a final decision in such regard and convey the same to the concerned petitioners within a further period of two weeks from the date of submission of the representation.

No further directions are required to be passed.

Writ petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 22, 2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No