

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 10699 of 2021 (O&M)
Date of Decision: 25.11.2021

Nipun Sharma and others

.....Petitioners

versus

Dr. B.R.Ambedkar National Institute of Technology and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Vansh Chawla, , Advocate, for the petitioners.
Mr. Vivek Singla, Advocate, for respondents No.1 to 3.
Mr. Anil Chawla, Advocate, for respondent No.4.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

CM No. 8001 of 2021

The application is allowed as the same is not opposed. Copies of
Annexures P-9 to P-19 be taken on record.

CWP No. 10699 of 2021

The petitioner has filed this petition making the following
prayers:-

- i) Issuance of a writ especially in the nature of certiorari for quashing notice issued by the respondent Institute/Authorities to defer the admission of the selected candidates i.e. the instant petitioners as doing the same is wholly illegal, arbitrary, whimsical.
- ii) Issue a writ especially in the nature of mandamus directing respondents to start the session of the instant petitioners.
- iii) Issuance of writ especially in the nature of certiorari for quashing the notice dated 21.05.2021 whereby the session of instant petitioners have again been deferred arbitrarily by the respondents.

The petitioner is aggrieved by the orders/notices dated 30.12.2020 and 21.05.2021 (Annexures P-1 and P-2) whereby the admission process has been deferred by the respondent-authorities.

The respondents have filed a return placing on record the order dated 22.06.2021 (Annexure R-2), which is being reproduced hitherto below, by way of which the respondent-authorities have now cancelled the entire admission process and withdrawn the advertisement and have also permitted the students to withdraw the fee deposited by them. Further, the writ petition was liable to be dismissed against petitioner No.12 with exemplary costs for suppression of material fact: that she had applied for refund of fee and the requisite amount has since been refunded.

“Office Order

The Institute has issued an advertisement for admission to Ph.D. (Full Time) programme under Institute Fellowship for the session July-2020 on 27.07.2020 and the process for the same was completed on 28.09.2020.

The advertisement was taken out keeping in views the COVID-19 pandemic slowing down and it was assumed that the Institute will open in Physical Mode after sometime. However, a second wave which was very devastating came and again all the educational institutions were ordered to be closed.

Since the Ph.D. (Full Time) programme requires physical presence of the students in the institute to carry out their studies and research work, it was decided by the Institute to permit the candidates to take admission in any other institutions as per their choice, if they desire. This decision was taken by the Institute so that the students’ career does not get hampered.

Due to the severe second wave of COVID pandemic, almost all the Institutions of the country are not allowing students in their campus. Also, there is a prediction of 3rd wave of COVID pandemic in near future. The uncertainty caused by this global pandemic has rendered the Institutions to close down their campus in physical mode for students, and, therefore, keeping in view the safety of the candidates and their future aspects at large, the Advertisement for Ph.D. (Full Time) programme under Institute Fellowship for the session July-2020 and the steps taken in furtherance to this Advertisement stands withdrawn. The fee deposited by the students will be refunded henceforth within 10 days.

This bears the approval of the competent authority.

Dated: 22.06.2021

Sd/-Dean Academic)".

In such circumstances, nothing survives for adjudication in the matter as the impugned orders/notices dated 30.12.2020 and 21.05.2021 have been rendered meaningless in view of the subsequent orders passed by the respondent-authorities. Accordingly, the petition is disposed of as having been rendered infructuous with liberty to avail the remedy as shall be available in law.

All miscellaneous applications are also accordingly disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.11.2021

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Whetherspeaking/reasoned	√Yes/No
Whetherreportable	Yes/No√