

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210 - CWP-10912-2020 (O&M)

Date of Decision: 18.03.2021

Anu Thakur

... Petitioner

VS.

Guru Ravidas Ayurved University, Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. JN Bhandari, Advocate for the petitioner

Mr. R. Kartikeya, Advocate for respondent No.1

GIRISH AGNIHOTRI, J. (Oral)

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

This writ petition by petitioner-Anu Thakur aged 23 years has been filed *inter alia* with a prayer seeking quashing of the impugned order/letter dated 16.07.2020 (P4) issued by respondent No.2 vide which the petitioner has been declared not eligible to attend the 4th year examination.

Learned counsel based upon the pleadings submits that the petitioner had taken admission in Bachelor of Ayurveda Medicine and Surgery Course in the year 2014-15 at Shiv Shakti Ayurvedic Medical College and Hospital i.e. respondent No.2. It is submitted that the college is affiliated with Guru Ravidas Ayurved University, Hoshiarpur. It is then submitted that during the examination of 2nd year, Unfair Means Case (UMC) was registered against the petitioner. In July 2017, re-appear examinations of 2nd year had started. It is then submitted that in November, 2017, the petitioner had taken 2nd year final examinations. In November/December, 2018, the petitioner appeared in her 3rd year

examinations. She thereafter started her course for the 4th year in May, 2019. In June/July, 2020, the exams of 4th year were scheduled but the petitioner was not allowed to fill the examination form. On 16.07.2020 (P4), a order/letter was issued with the subject '*refusal to accept your examination form as you are not eligible*'.

Records show that vide order dated 30.07.2020, notice of motion was issued in this case. Upon notice, respondent No.1 has filed reply on 13.01.2021.

In the reply, it has been *inter alia*, maintained that a case of Unfair Means Case was reported against the petitioner in BAMS 2nd year. She was recommended by the Unfair Means Committee to be disqualified in the examination of all subjects held in November/December, 2016. In para 3 of the preliminary submission, it has been pleaded that "*since, the petitioner was recommended to be disqualified for examination held in November, December, 2016 the additional period of 6 months have to be added for completion of the course. On account of the fact that the petitioner had not completed her compulsory "course of study", she had rightly been not permitted to submit her examination forms for May/June, 2020. Furthermore, the impugned order specifically reveals that she had been promoted to the 4th year on 23.10.2019, on account of pending reappears and the period for the final professional as per the regulations would be 18 months henceforth, which the petitioner has not completed, till date. Therefore, the impugned order is in accordance with the regulations and the writ petition is devoid of merit*".

From the above, it is evident that the said period of six months, after completion of 4-year course study in June, 2020 has also since expired.

In view of the above peculiar circumstances, the present writ petition is disposed of with the following directions:-

- (i) the respondents are directed to reconsider the case of the petitioner afresh for permitting her to get her course degree regularized, especially in view of the fact that even the objection of the additional period of six months has also since expired.
- (ii) let fresh order be passed now which would satisfy the requirement/objection so taken by the respondents in their written statement.
- (iii) the said fresh decision/consideration shall be *de hors* the earlier letter/memo dated 16.07.2020.
- (iv) in the event, the petitioner on consideration by the respondents, is permitted to get her course study for BAMS regularized, all further steps to award her degree/detail marks sheet etc. shall also be taken as expeditiously as possible preferably within six weeks from the date of receipt of certified copy of this order.

With these directions, the writ petition stands disposed of.

18.03.2021

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No