

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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**LPA-211-2022 &
CM-526-2022**

Date of decision: 25.03.2022

MEENAKSHI

..APPELLANT

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL***

**Present: Mr. Vikram Singh, Advocate,
for the appellant.**

**Ms. Tanisha Peshawaria, DAG, Haryana,
for the State.**

AUGUSTINE GEORGE MASIH, J.

LPA-211-2022

Challenge in this appeal is to the judgment dated 24.02.2020 passed in CWP No. 23905 of 2016 by the learned Single Judge dismissing the writ petition preferred by the appellant seeking migration from Gaur Brahman Ayurvedic College, Village Brahmanwas, District Rohtak-respondent No. 3 to Shri Krishna Government Ayurvedic College, Kurukshetra-respondent No. 4 or The Mahila Ayurvedic College, Bilaspur, District Yamunanagar-respondent No. 5 or Dhanvantri Ayurvedic College, Sector-46, Chandigarh-respondent No. 6.

The said writ petition was dismissed on the ground that the

petitioner (appellant herein) was not eligible as per the prevalent ordinance/rules of the University for considering her claim for migration.

It is the contention of the learned counsel for the appellant that the learned Single Judge has not taken into consideration the peculiar facts and circumstances, under which the appellant had sought her migration. He asserts that because of the ill-treatment and torture, which the appellant had to face in the College-respondent No. 3, which is supported by the fact that a complaint was also made to the police authorities with regard to her ill-treatment, the Court should have taken a sympathetic view and permitted her migration, as prayed for.

When confronted with the fact that the appellant was not eligible for seeking migration as per the ordinance/rules in force, counsel is unable to show any provision which would enable/entitle the appellant the benefit, as claimed by her in the writ petition.

A perusal of the pleadings and the reply, which has been filed by respondents No. 1, 2 and 4, would show that the ordinance/regulations governing the migration require a student to pass all the subjects of the First Professional BAMS examination in the first attempt to be eligible for migration. The above position does not exist in the present case and, therefore, the claim of the appellant has rightly been rejected by the learned Single Judge.

We do not find any ground to interfere with the well-reasoned order passed by the learned Single Judge.

The present appeal being devoid of merit, therefore, stands dismissed.

CM-526-2022

In view of the dismissal of the main appeal, the present application has been rendered infructuous and the same is disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

March 25, 2022
pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No