

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20713-2018

Date of Decision: 29.11.2022

Yogita Sharma

....Petitioner

VS

Sri Sukhmani Dental College & Hospital and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jasraj Singh, Advocate
for the petitioner

Mr. Mayur Karkra, Advocate
for respondent No. 1

Mr. Nitin Kaushal, Advocate
for respondent No. 2

Mr. M.S. Longia, Advocate
for respondent No. 3

SUDHIR MITTAL, J. (Oral)

The petitioner was a student of BDS course. She took the final examination in May-June 2018. Result was declared on 30.06.2018 wherein the petitioner was shown as failed in one subject. Subsequently, she applied for re-checking vide application Annexure P-5. Post re-checking the result did not change and, thus, this writ petition has been filed with a prayer to direct the University to conduct re-evaluation.

Learned counsel for respondents No. 2 and 3 submit that the controversy pertains to the year 2018. Thereafter, the petitioner has taken re-appear examination and has acquired the degree. She has now moved on in life and, thus, the writ petition has been rendered infructuous.

Learned counsel for the petitioner is, however, at variance. He

submits that result of the petitioner shows that she had failed in one subject in the

final year. In case re-evaluation is done even now the said statement may be removed from the final marks sheet.

The submission is based upon conjecture. It can not be said with any amount of certainty that the petitioner will pass even if the answer book is re-evaluated. It is accordingly, rejected.

It has been next submitted that in accordance with the Dental Council of India Revised BDS Course Regulation, 2007 (hereinafter referred to as the Regulation 2007) re-checking as well as re-evaluation is provided for. The University has opted only for re-checking which is illegal.

Learned counsel for respondent No. 2 submits that the relevant rule has not been challenged in this writ petition and even if it is taken that the interpretation of the respondent-University is incorrect, no benefit would accrue to the petitioner.

A perusal of the writ petition shows that the relevant rule of the University is not under challenge. Thus, the submission made by learned counsel for the University possesses merit.

Under the circumstances no direction can be issued for conducting the re-evaluation.

The writ petition has no merit and is dismissed.

29.11.2022

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**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No