

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-26806 of 2017

Date of Decision: May 12, 2022

Mahinder Singh and another

...Petitioners

Versus

Maharshi Dayanand University and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. S.K. Tripathi, Advocate for the petitioners.

Mr. Teevar Sharma, Advocate for respondent No.1.

SUDHIR MITTAL, J. (Oral)

The petitioner was a student of five years law course and was in the 8th semester when an altercation took place amongst the students on 10.03.2017. Thus, he was rusticated, vide order dated 30.03.2017. The order of rustication was revoked, vide order dated 29.09.2017 but by then the last date for submission of continuation return to the University had gone by. The last date was 11.09.2017. Since the petitioner was under rustication, he could not take admission to the 9th semester in July, 2017. Admission was granted to the petitioner only after the order of rustication was revoked but by then it was too late. Accordingly, the petitioner was not being permitted to take the 9th semester examination and thus, he filed this writ petition.

Learned counsel for the petitioner has raised arguments in accordance with the pleaded case in the writ petition.

Learned counsel for respondent No.1 has submitted that the college was to blame for non-submission of continuation return within time.

The facts of this case show that the order of rustication was revoked only after the last date for submission of continuation return had gone by. Thus, neither the petitioner nor the college-respondent no.2 can be directly blamed for the delay. The delay took place on account of the circumstances of this case. Meanwhile, the petitioner has taken the 9th semester examination under orders passed by this Court. He has also taken the 10th semester examination but the result of the said examinations have not been declared on account of pendency of the present writ petition. At this stage, it would be unequitable to set the clock back and declare the admission of the petitioner into the 9th semester as illegal.

Accordingly, the writ petition is allowed. The delay in submission of continuation return of the petitioner is condoned. Respondent No.1 is directed to declare the result of the petitioner within two weeks from the date of receipt of certified copy of this order.

May 12, 2022
sarita

(SUDHIR MITTAL)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No