

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-1871-2021(O&M)

Date of decision : 08.12.2023

Sangeeta

... Petitioner

Versus

Pt.B.D. Sharma University and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.S.K.Verma, Advocate for the petitioner.

Mr.Nama Jain, Advocate for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the letter/ order dated 27.04.2020 (Annexure P-6) vide which respondent no.3 has rejected the request of the petitioner to grant her special/mercy chance to appear in the final year examination. A further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to grant a special / mercy chance to the petitioner to appear in final year examination.

2. Learned counsel for the petitioner has submitted that after passing of the order dated 27.04.2020, the respondent-University vide notification dated 13.10.2022 (Annexure P-8) has given a special mercy chance to the students of B.Pharmacy (2013 & 2014 batches) who could not complete their B. Pharmacy degree course within the admissible chances i.e., seven years as per ordinance. It is further submitted that the case of the petitioner be also considered sympathetically as the power to grant special mercy chance is with the respondent University and in this regard, the petitioner would submit a representation detailing all the relevant facts and

has prayed that the petitioner, at this stage, would be satisfied in case the said representation is considered by the respondent-University in a time bound manner and if after considering the same, in case, the plea raised by the petitioner is found to be meritorious, then necessary relief be granted to the petitioner.

3. Learned counsel for the respondents has submitted that the respondent-University would consider the said representation and decide the same within a period of one month from the date of the receipt of the said representation.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the respondent-University to consider the representation of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of one month from the date of the receipt of said representation and in case, after considering the same, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within a period of one month from the date of the receipt of the representation.

5. It is made clear that this Court has not opined on the merits of the case and the respondent-University would consider and decide the representation independently, in accordance with law.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

December 08, 2023.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No