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

CWP-3571-2023

Date of decision : 22.02.2023

Neha

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanjeev Sharma, Legal Aid Counsel
Advocate for the petitioner.

Mr. R. Kartikeya, Advocate for respondent No.2.

Mr. Armaan Gagneja, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.3 for issuing the roll number of the petitioner and allowing her to appear in examinations of BAMS Course which is to be held from 21.02.2023 as on account of non-deposit of fee, respondent No.3 has not issued roll number to the petitioner vide letter dated 13.12.2022 (Annexure P-9).

Learned counsel for the petitioner has submitted that total amount of Rs.2,15,000/- is due from the petitioner and out of the said amount, an amount of Rs.80,000/- has been deposited by the petitioner

which includes an amount of Rs.60,000/- given by the Deputy Commissioner, Sri Muktsar Sahib vide cheque No.187628 dated 27.01.2023 and amount of Rs.20,000/- vide cheque No.049964 dated 22.01.2022 drawn on Central Bank of India. It is further submitted that the petitioner and her family is very poor as per the report of the Tehsildar, Batala dated 06.12.2020 (Annexure P-7).

Learned counsel for the petitioner has submitted that balance amount of Rs.1,35,000/- which is due would also be paid by the petitioner in due course of time. It is further submitted that cheque No.176951 dated 23.02.2023 amounting to Rs.20,000/- drawn on Union Bank of India has been prepared by the petitioner in the name of respondent No.3-College and the same has been handed over to learned counsel appearing on behalf of respondent No.3 by the father of the petitioner who is present in the Court today. It is contended that the balance amount of Rs.1,15,000/ would also be paid within a period of 45 days from today to the College.

Learned counsel for the petitioner has prayed that a direction be issued to the respondents to forward the examination form of the petitioner and to issue a roll number to her so that she can sit for the remaining examinations which are to be held upto 12.03.2023.

On 20.02.2023, notice of motion was issued. Learned counsel appearing on behalf of respondent No.2 as well as respondent No.3 have got instructions in the matter and learned counsel for respondent No.3 has submitted that in addition to Rs.2,15,000/-, an amount of Rs.3550/- is to be paid as examination fee and late fee of Rs.5000/- is also to be paid and has submitted that after the examination form is filled up, the same would be

forwarded to respondent No.2 immediately and every endeavour would be made that same is forwarded today itself.

Learned counsel for respondent No.2 has also submitted that the moment the examination form is received by them, roll number would be issued as expeditiously as possible and every endeavour would be made to issue roll number either today itself or by tomorrow.

This Court appreciates the fair stand taken by learned counsel appearing on behalf of respondent Nos.2 and 3.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed with the following directions:-

- i) The petitioner with the help of respondent No.3 would fill up the examination form and respondent No.3, after the same has been filled up, would forward the same to respondent No.2 as expeditiously as possible, preferably till 05:00 pm today.
- ii) Respondent No.2, on receipt of the said examination form would issue roll number to the petitioner as expeditiously as possible, preferably by 10:00 am on 23.02.2023.
- iii) The father of the petitioner who is present in the Court today has handed over the cheque No.176951 dated 23.02.2023 amounting to Rs.20,000/- drawn on Union Bank of India prepared in the name of the College which has been received by learned counsel appearing on behalf of the College. The father of the petitioner assures that the said cheque would be honoured. The petitioner shall pay an amount of Rs.3550/- to respondent No.2-University by making a deposit online today itself.

- iv) The balance amount of Rs.1,15,000/- would be paid by the petitioner to respondent No.3-College within a period of 45 days from today.
- v) In the circumstances of the present case and keeping in view the fact that the petitioner and her family have financial constraints, late fee of Rs.5000/- is waived off.

This order has been passed in view of the exceptional circumstances and also in view of the report dated 06.12.2022 of Tehsildar, Batala showing that the financial condition of the petitioner is very poor and the present order would not be cited as precedent for the other students.

This Court records appreciation to Mr. Sanjeev Sharma, Legal Aid Counsel, Advocate for the petitioner, Mr. R. Kartikeya, Advocate for respondent No.2-University as well as Mr. Armaan Gagneja, Advocate for respondent No.3-College for having given their full support for disposal of the present matter expeditiously.

The result of the petitioner would be declared only after the petitioner or her family members pay the balance amount of Rs.1,15,000/- to respondent No.3-College.

22.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No