

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-6217-2023

Date of decision : 24.03.2023

Shivya Thakur

... Petitioner

Versus

Guru Nanak Dev University

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Angel Walia, Advocate
for the petitioner.Mr.M.K. Dogra, Advocate
for the respondent.**VIKAS BAHL, J.(ORAL)**

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent-University to grant one opportunity to the petitioner to deposit the tuition fee for 2nd semester Session 2022-23 for the course of M.Sc. Microbiology.

Learned counsel for the petitioner has submitted that the petitioner is a student of M.Sc. Microbiology and had deposited the fee for the first semester on 30.08.2022 and could not deposit the fee for the 2nd semester on account of financial difficulties as the father of the petitioner had not received his salary due to delay on part of the concerned department and the last date for depositing the fee along with late fee was 10.02.2023. It is submitted that the petitioner met with the respondent authorities in order to deposit fees but the respondent authorities did not accept said fees. It is

submitted that the petitioner is willing to pay the fee along with late fee

within a period of one week from today in case an opportunity is granted to the petitioner to do the same. It is further submitted that on depositing said fee, name of the petitioner be restored as the same has been struck off from the roll of students. Learned counsel for the petitioner has submitted that with respect to prayer for reconducting the mid semester examination of the petitioner, the petitioner would give a representation to the Head of Department and prays that the same be considered by the Head of Department expeditiously.

Learned counsel for the respondent-University has submitted that since the last date uptill which the semester tuition fee along with late fee could have been deposited was 10.02.2023 and there was no power vested with the authorities to condone any further delay, thus, the prayer of the petitioner was not accepted, at that point in time.

This Court has heard learned counsel for the parties and has perused the paper book.

The respondent is a bonafide student of M.Sc. (FUIC)(USHS) Microbiology and is stated to have paid the tuition fees for the first semester and could not pay the fee for the 2nd semester on account of financial difficulty. It is not in dispute that the last date for submission of the tuition fee along with late fee was 10.02.2023 and on account of financial difficulty, the petitioner could not pay the same. It is further submitted that the petitioner is ready to pay tuition fee for the 2nd semester along with late fee within a period of one week from today and in case the same is not accepted, then the future of the petitioner would be jeopardized.

Thus, keeping in view the above said exceptional facts and circumstances, the present petition is allowed in the following terms:-

- i) The petitioner or her legal guardian would approach the

respondent-University within a period of one week from today and offer the tuition fee for the 2nd semester, alongwith late fee charges of Rs.5,000/-.

ii) In case the petitioner approaches the respondent-University within a period of one week from today with the tuition fee of 2nd semester alongwith the penalty/late charges of Rs.5,000/-, the same shall be accepted by the respondent-University and his name would be restored as a student of respondent University.

iii)Liberty is granted to the petitioner to move a representation before the Head of Department of Microbiology for request to reconduct the mid semester examination for the petitioner. In case such representation is filed, the Head of Department of Microbiology is requested to consider the same as expeditiously as possible.

(VIKAS BAHL)
JUDGE

March 24, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No