

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-8354-2023

Date of decision : 21.04.2023

Riya Malhotra

... Petitioner

Versus

Guru Nanak Dev Univeristy and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Harmanpreet Singh, Advocate
for the petitioner.

Mr.M.K. Dogra, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant an effective opportunity to the petitioner to submit her 8th semester tuition fee for M.Sc. Chemistry (FYIC) (USHS), Department of Chemistry for Sessions 2022-23 on account of bonafide difficulty of the present petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner is a student of Guru Nanak Dev University, Amritsar, studying in 8th semester of M.Sc. Chemistry (FYIC) (USHS) in Department of Chemistry and had passed 7th semester and the last date to deposit the 8th semester fee as per schedule was till 10.02.2023 along with late fee of Rs.5000/- but on account of poor financial condition and also ill health of the grand father of the petitioner, she could not deposit the same. Learned

counsel for the petitioner has submitted that a representation regarding the same was also given by the petitioner to the respondent University. It is submitted that the petitioner is willing to pay the fee along with the late fee within a period of one week from today in case an opportunity is granted to the petitioner to do the same.

3. Learned counsel for the respondent-University has submitted that since the last date upto 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.

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

5. The petitioner is a student of 8th semester of M.Sc. Chemistry (FYIC)(USHS) in the department of Chemistry of Guru Nanak Dev University and has paid fee upto 7th semester. 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 the case of the petitioner that now the petitioner has been able to arrange the funds and is ready to make the payment of fee of 8th semester along with late fee of Rs.5000/-. In case the fee is not accepted by the respondent-University, then the future of the petitioner would be in jeopardy inasmuch as, she will not be admitted to 8th semester and she would not be able to pursue her studies on account of the said default.

6. 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 8th 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 8th semester alongwith the penalty/late charges of Rs.5,000/-, the same shall be accepted by the respondent-University.

7. Learned counsel for the respondents has submitted that the acceptance of late fee should not be taken as a ground by the petitioner for getting the shortage of lectures condoned and the petitioner should attend the classes regularly so as to meet the minimum requirement of attendance.
8. Learned counsel for the petitioner has fairly stated that the petitioner would not take advantage of acceptance of late fee as a means to getting the shortage of lectures condoned.
9. The petitioner would be bound by her statement.

(VIKAS BAHL)
JUDGE

April 21, 2023
Davinder Kumar

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