

116

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

CWP-8603-2023

Date of decision : 25.04.2023

Hartej Singh

...Petitioner

Versus

Guru Nanak Dev University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Simrat Kaur, 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 the examination fees for 2nd year B.PE.D (Bachelor of Physical Education) for session 2022-23 on account of bona fide difficulty of the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner is a student of Guru Nanak Dev University, Amritsar and is studying in 2nd year in the course of B.PE.D (Bachelor of Physical Education) at the Department of Physical Education and has paid the tuition fee for the second year and was required to pay the examination fee for the second year uptill 20.03.2023 but could not pay the same on account of financial difficulty and had also filed representation dated 23.03.2023 (Annexure P-4) before respondent No.4 for the same but in spite of representation, the petitioner has not been given a chance to submit

examination fees along with late fees. It is further contended that the petitioner is willing to pay examination fees along with late fee within a period of two days from today, in case, opportunity is granted to the petitioner and in case, the petitioner is not permitted to do so, then his career would be jeopardised. It is also submitted that the petitioner is a brilliant student and was on scholarship for the first year and has submitted that examinations for the present semester have started and practical examination is to be held on 26.04.2023 and written examination has to take place from 02.05.2023. Learned counsel for the petitioner has further submitted that the petitioner has been regularly attending the classes and there is no shortage of lectures on behalf of the petitioner.

3. Learned counsel for the respondents has submitted that the last date for submission of examination fees was 20.03.2023 and since, the authorities do not have the power to condone any delay, thus, the prayer of the petitioner was not accepted at that point of time.

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

5. The petitioner is a student of Guru Nanak Dev University, Amritsar and is studying in 2nd year in the course of B.PE.D (Bachelor of Physical Education) at the Department of Physical Education and is stated to be a meritorious student and all the expenses incurred by the petitioner for the first year were covered by a scholarship conferred upon him. The petitioner has also deposited the tuition fee for the second year but could not pay the examination fees on account of financial difficulty, although, last date for the same was 20.03.2023. The practical examination for 2nd year of

B.PE.D (Bachelor of Physical Education) has already started and written examinations are to start from 02.05.2023. The petitioner is ready to pay examination fees along with late fee of Rs.5000/- within a period of two days from today. In case, the fee is not accepted by the respondent-University then the future of the petitioner, who is a meritorious student, would be in jeopardy.

6. Thus, keeping in view the above said exceptional facts and circumstances, the present Civil Writ Petition is allowed with the following directions:-

- i) The petitioner would approach the respondent-University within a period of two days from today and offer the tuition fee for the second year, alongwith late fee charges of Rs.5000/-.
- ii) In case, the petitioner approaches the respondent-University within a period of two days from today with the tuition fee of 2nd year alongwith the penalty/late charges of Rs.5000/-, the same shall be accepted by the respondent-University.
- iii) In case, there is no shortage of lectures of the petitioner, then the respondents-University are directed to permit the petitioner to participate in the practical examination which are left and also to sit for the written examination. The same would be subject to the petitioner depositing the abovesaid fees and also complying with all the conditions as are required under the relevant Rules and Regulations.

25.04.2023*Pawan*

Whether speaking/reasoned:-
Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No