

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-10638-2023

Date of decision : 16.05.2023

Abhinav Jhamb

... Petitioner

Versus

Punjab Technical University, Kapurthala Highway and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. G.S.Jagpal, Advocate for the petitioner.

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 respondents to consider representation dated 11.05.2023 (Annexure P-5) submitted by the petitioner and thereafter allow the petitioner to appear in the examination of Bachelor of Business Administration (BBA) 6th semester which is scheduled to commence from 18.05.2023.

2. Learned counsel for the petitioner has submitted that on 10.05.2023 a list (Annexure P-4) was published which showed that certain students including the present petitioner had shortage in attendance. It is further submitted that the percentage of shortage attendance is not mentioned in the said list. It is stated that the petitioner has submitted a representation dated 11.05.2023 (Annexure P-5) to the Head of respondent no.2-College and no decision has been taken on the same. It is further stated that as per the ordinances for BBA and BCA issued by the Punjab Technical University to which respondent no.2-College is affiliated, Clause 10 provides that the Head of the Institute has the power to condone shortage in attendance in each subject to the extent of 10% of the total lectures delivered reasons recorded. It is submitted that the petitioner would be satisfied in case the

Head of respondent no.2-college is directed to take a decision on representation

dated 11.05.2023 as expeditiously as possible. It is further submitted that since the examination of the petitioner is commencing from 18.05.2023, thus, it is prayed that representation dated 11.05.2023 be considered within a period of two days from the date of receipt of certified copy of the present order.

3. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the Head of respondent no.2-college, who has been authorised vide Clause 10 of the Ordinance of BBA and BCA (Annexure P-6), to take a decision on the representation dated 11.05.2023 within a period of two days from the date of receipt of certified copy of the present order. In case, the Head of respondent no.2-college is of the opinion that the plea of the petitioner is meritorious and falls within the said clause, then necessary action, in accordance with law, be taken and every endeavour be made to permit the petitioner to participate in the examination from the date the decision is taken. In case, the Head of respondent no.2-college is of the opinion that the plea of the petitioner is not meritorious, then an order rejecting case of the petitioner be passed within a period of 7 days from the date of receipt of certified copy of the present order.

4. It is made clear that this Court has not opined on the merits of the case and Head of Institute of respondent no.2 would consider the representation independently, in accordance with law.

(VIKAS BAHL)
JUDGE

May 16, 2023
Davinder Kumar

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