

112

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

CWP-10893-2023

Date of decision: 19.05.2023

Sandeep Kumar and others

...Petitioners

Versus

Maharshi Dayanand University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanchit Punia, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned letter dated 09.05.2023 (Annexure P-6) and instruction (Annexure P-7) whereby the petitioners have been debarred from appearing in additional Practical subject (Art (AR75)) in B.A. Additional Examination.

2. Learned counsel for the petitioners has submitted that the Government of Haryana had, vide an advertisement, invited online applications for direct recruitment for TGT Arts (ROH) with the essential requirement being B.A. with at least 50% marks in Art as an elective or as the Honors subject and since, the petitioners had higher qualifications thus, they applied (Annexure P-3) in the respondent/University for the additional

subject of B.A. Arts Practical and the said application was accepted and the petitioners had also paid an amount of Rs.700/- which was the requisite fee. It is further submitted that however, the respondent/University had forwarded an e-mail dated 21.03.2023 stating that instead of the practical subject, non-practical subject is being offered. It is contended that since the petitioners were the students of MDU University thus, the only University from which the petitioners could do additional subject is the said University and in case, the petitioners are not permitted to do the additional subject of BA Arts Practical then the petitioners would not be considered for direct recruitment for TGT Arts. It is further contended that the respondent-University had, in the year 2016 as well as in the year 2022, allowed students to take up the additional subject of B.A Arts Practical (Art (AR 75)). It is argued that in case, the respondent-University permits the petitioners to take up such additional subject in practical then the same would help in building the future of the petitioners and other similarly placed persons. It is also contended that other Universities are allowing admission in the said additional practical subject. It is further argued that the petitioners have given a legal notice dated 11.05.2023 (Annexure P-11) to respondent No.1-University and they would be satisfied, in case, respondent No.2-Vice Chancellor, Maharshi Dayanand University, Rohtak takes a decision on the same in a time bound manner preferably within a period of three weeks from the date of receipt of certified copy of the present order and in case, respondent No.2 finds the plea of the petitioners to be meritorious and after considering all the aspects, accepts the plea then, necessary relief be granted to the petitioners as expeditiously as possible. It is also submitted that in

case, after considering the entire aspect, respondent No.2 does not find the plea of the petitioners to be meritorious then the petitioners would not further challenge the said decision.

3. Keeping in view the abovesaid facts and circumstances and also the prayer made by the petitioners, the present Civil Writ Petition is disposed of with directions to respondent No.2 to consider the legal notice dated 11.05.2023 (Annexure P-11) within a period of three weeks from the date of receipt of certified copy of the present order and after considering the same and also after considering the circumstances of the petitioners, in case, respondent No.2 is of the opinion that the pleas of the petitioners are meritorious, then necessary relief, in accordance with law, be granted to the petitioners, as expeditiously as possible.

4. It is made clear that in case, respondent No.2 is of the opinion that the pleas and the circumstances raised by the petitioners do not justify the prayer of the petitioners then the petitioners would not further challenge the said decision as has been stated by the learned counsel for the petitioners after getting instructions from the petitioners before this Court.

19.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**