

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

(125)

CWP-10919-2023**Date of decision: - 18.05.2023****Mohit Kamboj and others****....Petitioners****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Karanjeet Singh Brar, Advocate,
for the petitioners.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondent No.1.

Mr. H.S. Batth, Advocate
for respondents No.2 and 3.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ especially in the nature of certiorari for setting aside the impugned notice dated 08.05.2023 (Annexure P-3), vide which the petitioners have been restrained to appear in the examination on the ground of shortage of lectures.

2. Learned counsel for the petitioners has submitted that the power to condone the lectures is with the Head of the Department and the Vice Chancellor and has thus prayed that the present writ petition be treated as a representation and the Head of the Department/respondent No.3 be directed to consider the same in accordance with law. It is further

submitted that since the Head of the Department can only condone the lectures upto 6% and further 6% can be condoned by the Committee and further 8% by the Vice Chancellor, it is stated that while considering the case of the present petitioners, the Head of the Department, if so deem it appropriate, may seek approval of the Vice Chancellor to condone the lectures of the petitioners.

3. Learned counsel appearing on behalf of respondents No.2 and 3 has submitted that the attendance of the petitioners is very less, but however, respondent No.3 would consider the writ petition and would treat the same as a representation and in case the rules and regulations permit the condonation of shortage of lectures, in the case of the present petitioners, then, a decision with respect to the same would be taken, however, in case as per the rules and regulations the shortage of lectures of the petitioners cannot be condoned, then, the same would be beyond the power of the Head of the Department as well as the Committee and also the Vice Chancellor to condone the lectures.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to respondent No.3 to treat the present writ petition as a representation and to consider the same within a period of three days from the date of receipt of certified copy of the present order and after considering the same and also after considering the rules and regulations regarding the shortage of lectures, in case, respondent No.3 is of the opinion that the said lectures of the petitioners can be condoned, the necessary action in accordance with law be taken.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.3 would consider the averments made in the present writ petition independently, in accordance with law.

May 18, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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