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

CWP-24277-2023

Date of decision: 31.10.2023

Shubham

...Petitioner

Versus

Maharishi Markandeshwar (Deemed to be University) and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Pinki Mehla, Advocate for the petitioner.

Mr. Deepak Sabherwal, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to issue roll number of 7th semester of BA LLB and allow him to take the examination in view of the facts and circumstances of the case.
2. On 25.10.2023, a Coordinate Bench of this Court was pleased to pass the following order:-

“The instant writ petition under Article 226/227 has been preferred before this Court in the nature of Mandamus directing the respondent to grant medical leave to the petitioner in lieu of his accident and issue a Roll Number to take 7th Semester Examination of B.A. LL.B and allow him to take the

examination.

On perusal on the pleadings of the writ petition, it is depicted that student-petitioner possess a good academic carrier, who secured 7.63 GPA in 1st Semester which was completed on June, 2021. He passed Second Semester with 9 GPA in the month of September, 2021. The petitioner passed 3rd Semester with 9.33 GPA in the month of February, 2022, 4th Semester with 8.17 GPA in the month of July, 2022 and 5th Semester with 8.17 GPA in the month of January 2023. He passed 6th Semester also and thereafter was elevated to 7th Semester.

He could not appear as he met with a road accident and was hospitalized w.e.f. 04.08.2023 to 10.08.2023 and also underwent surgery. Under these compelling circumstances, he remained on bed for almost two and half months which resulted into shortage of lecture, on account of non attending the classes due intimation was given to the college qua accident as well as the raised advice by the doctors from time to time.

However, at this stage without going into merits interim prayer for permitting the petitioner to appear in the 7th Semester examination which is commenced from 02.11.2023 is taken into account and considering the good academic carrer of the petitioner as well as the result card of 10+2 on the basis of which he got admission in B.A.LLB. (5 years).

Notice of motion for 31.10.2023.

Dasti process only.

Sd/-(SANDEEP MOUDGIL)

JUDGE

25.10.2023”

3. Learned counsel for the respondents has submitted that in the exceptional facts and circumstances of the present case, he has instructions to submit that the petitioner would be provisionally promoted to the 8th

semester and would also be permitted to pursue studies up to 10th semester provided that the petitioner has regular attendance in the said semesters and also appears and clears examination in accordance with the Rules and Regulations. It is, however, submitted that once, the petitioner has completed 10th semester in accordance with law thereafter, the petitioner would have to attend the classes of 7th semester and clear the examination of 7th semester after attending the classes in accordance with the prescribed norms, Rules and Regulations.

4. Learned counsel for the petitioner has submitted that in view of the abovesaid statement made by learned counsel for the respondents, the present Civil Writ petition has been rendered infructuous and same may kindly be disposed of as such. It is however prayed that the respondents be bound by the abovesaid statement.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of as having been rendered infructuous.

6. The respondents would be bound by the abovesaid statement.

31.10.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**