

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

(116)

CWP-26092-2023**Date of decision: - 30.11.2023****Shubhangini and others****....Petitioners****Versus****State of Haryana and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Amit Jhanji, Senior Advocate, with
Mr. Gaurav Rana, Advocate, and
Ms. Eliza Gupta, Advocate
for the petitioners.

Ms. Rajni Gupta, Additional Advocate General, Haryana
for respondent No.1.

Mr. Harmanjot Singh Gill, Advocate, and
Ms. Preeti Sharma, Advocate
for respondents No.2, 3, 4 and 6.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction in the nature of certiorari for quashing the decision of respondent No.6-Standing Committee dated 12.10.2023 (Annexure P-13), order dated 17.10.2023 (Annexure P-7), order dated 20.10.2023 (Annexure P-17) and decision dated 20.10.2023 (Annexure P-18).

2. Learned Senior counsel for the petitioners has submitted that the impugned orders have been passed without granting an opportunity of

hearing to the petitioners. It is further submitted that apart from the merits of the case, on the said point alone, the impugned orders deserve to be set aside.

3. Learned counsel for respondents No.2, 3, 4 and 6, who are the contesting parties, has fairly submitted that other students, against whom the same action was taken during the course of the same exam, had filed a petition i.e. CWP-24547-2023, which was dismissed by a Co-ordinate Bench of this Court on 02.11.2023, but against the said order, LPA-1707-2023 had been filed by the said students, which was allowed by the Hon'ble Division Bench, vide order dated 15.11.2023. It is stated that although the said order dated 15.11.2023 is not available yet, but since the said order was passed in the presence of the learned counsel for the respondents No.2, 3, 4 & 6 and the Ld. counsel is aware of the observations made by the Court while allowing the LPA and has further stated that the order, which is impugned in the present petition, was set aside in the LPA on the ground that an opportunity of hearing should be granted to the students and the respondent-University has been directed to reconsider the matter after granting an opportunity of hearing to the petitioners in accordance with law. It is further stated that in view of the same the respondent authorities are ready to grant an opportunity of hearing to the present petitioners as well.

4. Learned Senior counsel for the petitioners, in rebuttal, has submitted that the petitioners be permitted to raise all the pleas, which have been raised in the present writ petition and are available to them in law, before the authorities.

5. Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the contesting respondents, the present writ petition is partly allowed and the impugned decision dated 12.10.2023 (Annexure P-13), order dated 17.10.2023 (Annexure P-7), order dated 20.10.2023 (Annexure P-17) and decision dated 20.10.2023 (Annexure P-18) are set aside and the competent authority of respondent No.2-University is directed to reconsider the matter after giving an opportunity of hearing to the petitioners.

6. It would be open to the petitioners to raise all pleas, which have been raised in the present writ petition and are available to them, in accordance with law.

7. It is made clear that this Court has not opined on the merits of the case and the competent authority of the respondent-University would consider and decide the matter independently, in accordance with law.

November 30, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No