

247(2)

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

CWP-26258-2023

Date of decision: 08.12.2023

Himani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shobhit Sharma, Advocate and
Mr. Kshitij Sharma, Advocate for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent Nos.2 and 3 to release the original academic documents, Punjab residence certificate and Migration Certificate/NOC to the petitioner.

2. On 30.11.2023, this Court had passed the following order:-

*“Learned State Counsel prays for a short adjournment
to get instructions in the matter.*

Adjourned to 08.12.2023.

To be taken up at 12:00 pm.

*A photocopy of this order be placed on the file of the
other connected case.”*

3. Learned State counsel, on instructions from Dr. Jasbir Singh (Nodal Officer), Department Medical Education and Research, has

submitted that in case the petitioner is ready to deposit the balance fee, then the original documents alongwith NOC would be released to the petitioner on the same day on which the said balance fee would be deposited. He has further submitted that the present statement should not be construed as estoppel operating against the State from instituting a civil suit for recovery on the basis of the bond (Annexure P-11).

4. Learned counsel for the petitioner has submitted that the above-said statement satisfies the grievance of the petitioner. It is contended that in the present case, bond has not been signed by the petitioner and has submitted that in case the State were to file a civil suit then liberty be granted to the petitioner to raise all the pleas as are available to her during the course of the said civil suit.

5. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of, as having been rendered infructuous. The respondents-State would be bound by the above-said statement made before this Court. The statement made on behalf of the State would not be construed as estoppel against the State from instituting a civil suit for recovery on the basis of bond and in case any such civil suit is filed, it would be open to the petitioner and all the parties concerned to raise all the pleas as are available to them in accordance with law. The said Civil Suit would be decided independently on the basis of evidence and arguments raised before the trial Court, uninfluenced by the present order.

08.12.2023*Pawan*

Whether speaking/reasoned:-
Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No