

115

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

CWP-26874-2023

Date of decision: 29.11.2023

The Managing Committee, Guru Nanak Education Society and another

...Petitioners

Versus

Panjab University and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sangram S. Saron, Advocate for the petitioners.

Mr. Shubham Thakur, 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, order or direction especially in the nature of certiorari for quashing the letter dated 28.11.2023 (Annexure P-25) whereby the Examination Centre of petitioner No.2-College for the Undergraduate and Postgraduate Semester Examinations commencing w.e.f. 29.11.2023 has been changed one day prior to the examination to some other college.

2. Learned counsel for the petitioners has submitted that vide letter dated 22.08.2023 (Annexure P-2), the Controller of Examination of Panjab University, Chandigarh had requested petitioner No.2 college for reservation of accommodation with furniture and other arrangements for the

conduct of Undergraduate and Postgraduate Semester System Examinations commencing w.e.f. 29.11.2023 and also sought consent for the appointment of the Principal of petitioner No.2 college as Chief Coordinator. It is further submitted that in pursuance of the said letter, consent was given by the petitioners' college on 08.09.2023 (Annexure P-3) and thereafter, vide letter dated 16.11.2023 (Annexure P-4), the Controller of Examinations of Panjab University, Chandigarh further informed petitioner No.2 college that CCTV cameras be installed in the Examination Centres and in pursuance of the same, petitioner No.2 college has installed the CCTV cameras and information regarding compliance was submitted to the University on 26.11.2023 (Annexure P-6). It is contended that vide letters dated 20.11.2023 (Annexures P-7, P-8 and P-9), the Controller of Examinations of Panjab University, Chandigarh had even written to the Principal of various colleges informing them about their appointment as Centre Superintendents for the examinations which were to take place in the petitioners' college and thereafter, the admit cards (Annexures P-10 to P-18) were also issued to 3356 students in which it was clearly mentioned that the Centre of examination would be Ferozepur Cantt-2/3/4 and the name of building was stated to be Guru Nanak College, Block-I, Block-II and Block-III, Ferozepur Cantt. It is further contended that the first examination was to take place on 29.11.2023 at 09:30 am and the said examinations are to continue till 02.01.2024 and vide letter dated 28.11.2023 (Annexure P-25), the Controller of Examinations of Panjab University, Chandigarh informed the petitioners' college that the said Examination Centres are to be changed to Dev Samaj College for Women, Ferozepur Block-I, II and III. It is argued

that neither any show cause notice nor any reason was communicated to the petitioners for the said change nor any reason has been given in the letter dated 28.11.2023 (Annexure P-25). It is also submitted that the petitioners' college, vide letter dated 28.11.2023 (Annexure P-26) immediately informed the respondent University that 80% of the students have already received their admit cards and had left their college and most of the students belonged to Rural and Border area and it would not be possible for them to be informed about the said change.

3. Learned counsel for the petitioners has submitted that on account of the said confusion that since the admit cards of the students mentioned the details of the Centre as that of petitioner No.2 college, at least 100 students were not able to be give their examination in the changed centres. It is further submitted that the impugned action is in violation of the principles of natural justice and is also in violation of Panjab University Calendar of 2007, 2016 and 2019. Reliance has been placed upon a order passed by a Coordinate Bench of this Court dated 12.04.2012 (Annexure P-27) in which, in a similar situation, interim order was passed in favour of the petitioners' college.

4. Learned counsel appearing on behalf of the Panjab University was requested to get instructions in the matter since the matter was of grave urgency. Learned counsel has received instructions in the matter and has submitted that the petitioners' college was informed on 27.11.2023 that the Centre would be allocated separately. It is further submitted that the students who have missed their examinations on 29.11.2023 would be accommodated and they would be permitted to give the examination during

the present semester after being duly informed. It is also contended that since admit cards have already been issued and in the said admit cards, the place and centre has been mentioned as petitioner No.2-college, thus, the respondent University would permit the students to give examination in petitioner No.2-college for the time being and would not press upon communication dated 28.11.2023 but has prayed that the said concession should not be construed as an estoppel against the respondent University from proceeding against the petitioner No.2-college in accordance with law in case any such occasion arises.

5. Keeping in view the abovesaid facts and circumstances and also the fair stand taken by learned counsel for respondent University, the letter dated 28.11.2023 (Annexure P-25) is set aside and the present Civil Writ Petition is disposed of with the direction that the remaining examinations would be held in the previous examination centres i.e. Ferozepur Cantt-02, Guru Nanak College, Block-I, Ferozepur Cantt-03, Guru Nanak College, Block-II and Ferozepur Cantt-04, Guru Nanak College, Block-III. The respondent University would be bound by their stand of giving an opportunity to the students who have missed their examination on 29.11.2023 on account of the said confusion which has arisen in the present semester after duly informing the College as well as the students.

6. It is made clear that the present order would not be construed as an estoppel against the respondent University to proceed against the petitioner No.2-college in case any such issue arises in accordance with law.

7. Needless to say that in case any action is to be taken by the

respondent-University, the interest of the students be kept in mind.

8. At this stage, learned counsel for the petitioners has submitted that since the papers have to reach one day prior to the examination thus, the respondent-University be directed to send the said papers to the petitioner No.2-college for the examination which is scheduled for 30.11.2023, today itself.

9. Keeping in view the abovesaid prayer made & the stand taken by the parties, the respondent University is directed to send the papers for the examination scheduled for 30.11.2023 today itself to the petitioner No.2-college and would do the same for the remaining examinations as well.

29.11.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No