

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

CWP-27415-2023

Date of decision : 07.12.2023

Gagan Farwaha and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Yagyadeep, Advocate and
Mr. Rajesh Kumar, Advocate
for the petitioners.

Mr.Ferry Sofat, Addl.A.G. 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 no.4-Panjab University, Chandigarh to release/issue the result / DMCs/ Degrees / certificates of the petitioners which have been withheld by the respondent-University as reimbursement of fee under the Post Matric Scholarship is to be made by the Government of Punjab for students belonging to Scheduled Castes as per the notification dated 22.07.2016 (Annexure P-9) and the decision has been taken by the Council of Ministers in the resolution (Annexure P-11).

2. Learned counsel for the petitioners has submitted that the result/ DMC/ degrees / certificates of the petitioners have been withheld by the respondent-University on account of non-receipt of fund under the Post Matric Scholarship for students belonging to the Scheduled Castes from the

government. It is further submitted that a similar issue with respect to respondent no.4-University was decided by this Court vide detailed judgment dated 20.09.2023 passed in **CWP-19728-2021** titled as “**Meena Kumari vs. State of Punjab and others**” and after relying upon the judgment of coordinate Bench of this Court in the case of **Monika vs. Pt. B.D. Sharma, University of Health Sciences, Rohtak and others** reported as **2022(4) SCT 51** and another judgment, the following directions were passed:-

“16. Keeping in view the abovesaid facts and circumstances and also in view of the law laid down in the abovesaid judgments, both the Civil Writ Petitions are allowed with the following directions:-

- i) The respondent No.3 is directed to declare the result of the petitioner-Meena Kumari (in CWP-19728-2021) pertaining to first, third and fourth semester of MA History and issue the detailed marks card of second semester and also issue the degree and DMC along with the Migration Certificate.*
- ii) The respondent No.3 is further directed to issue the detailed marks card of sixth semester of the petitioner-Baljit Kaur (in CWP-25213-2021) and Degree of Bachelor of Arts.*
- iii) The said documents of both the petitioners would be issued as expeditiously as possible and in any case within a period of one month from today without insisting upon the payment of the fee in question.”*

3. Learned counsel for the petitioners has submitted that the said judgment has not been challenged and rather the same has been implemented and the case of the petitioners is squarely covered by the said judgment and the said facts along with the other relevant facts have been mentioned in the detailed legal notice dated 05.11.2023 (Annexure P-12) and has submitted that the petitioners, at this stage, would be satisfied in case respondent no.4-University is directed to consider the said legal notice by taking into consideration the judgment passed by this Court in **Meena**

Kumari (supra) in a time bound manner and if after considering the same,

in case, the plea raised by the petitioners is found to be meritorious, then necessary relief be granted to the petitioners.

4. Keeping in view the above said facts and circumstances and the limited prayer made by the learned counsel for the petitioners, the present petition is disposed of with a direction to respondent no.4-University to consider the legal notice dated 05.11.2023 of the petitioners and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of 4 weeks from the date of the receipt of certified copy of the present order and while doing so, would also consider the judgment passed in *Meena Kumari* (supra) and after considering the same, in case the plea of the petitioners is found to be meritorious, then necessary relief be granted to the petitioners and in case, the plea of the petitioners is not found to be meritorious, then a speaking order rejecting the same be passed within a period of 4 weeks from the date of the receipt of certified copy of the present order.

5. It is made clear that this Court has not opined on the merits of the case and respondent no.4-University would consider and decide the legal notice independently, in accordance with law.

(VIKAS BAHL)
JUDGE

December 07, 2023.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No