

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5712-2024
Date of decision : 19.03.2024

Jai Malik

... Petitioner

Versus

Pandit Bhagwat Dayal Sharma University of Health and Sciences, Rohtak
and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sanjeev Kodan, Advocate
for the petitioner.

Mr.Amit Rao, Advocate
for respondent no.1.

Mr.Anil Shukla, Advocate
for respondent no.2.

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 certiorari for quashing the letter / order dated 29.02.2024 (Annexure P-10) whereby the request of the petitioner to revise the result of the petitioner was declined.
2. Learned counsel for the petitioner has submitted that respondent no.2 had made recommendations vide letters dated 01.02.2024 (Annexure P-4), dated 01.02.2024 (Annexure P-5) and dated 23.02.2024 (Annexure P-9), specifically stating that after rechecking of the internal assessment marks in the subject of Community Medicine of the batch of 2020, it was found that the petitioner had scored 64.5 marks but inadvertently they had uploaded the marks of the petitioner as 54.5 on the

University Exam website. Respondent no.1 vide the impugned order dated 29.02.2024 had rejected the case of the petitioner for correction of his internal assessment marks after passing a cryptic and non-speaking order. It is further submitted that the representations dated 18.02.2024 (Annexure P-6), dated 18.02.2024 (Annexure P-7) and dated 21.02.2024 (Annexure P-8) as well as the recommendations of respondent no.2 vide letters dated 01.02.2024 (Annexure P-4), dated 01.02.2024 (Annexure P-5) and dated 23.02.2024 (Annexure P-9) should have been taken into consideration by respondent no.1 before deciding the case of the petitioner. It is submitted that the impugned order being cryptic and non-speaking, deserves to be set aside on the said ground alone.

3. Learned counsel for respondent no.1 has submitted that respondent no.1 would pass a fresh order after taking into consideration the plea raised by the petitioner in the said representations and the recommendations made by respondent no.2.

4. Keeping in view the abovesaid facts and circumstances, the present writ petition is partly allowed and the order dated 29.02.2024 is set aside and the competent authority of respondent no.1 is directed to reconsider the matter after considering the averments made in the representations (Annexures P-6, P-7 and P-8) and also the recommendations made by respondent no.2 in the letters (Annexures P-4, P-5 and P-9), as expeditiously as possible, preferably within a period of three weeks from the date of the receipt of the certified copy of the present order. In case, after considering the same, the plea of the petitioner is found to be meritorious, then, necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then, a speaking

order rejecting the same be passed within a period of three 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 the competent authority of respondent no.1 would consider and decide the matter independently, in accordance with law.

(VIKAS BAHL)
JUDGE

March 19, 2024
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No