



CWP-12290-2024

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

(123)

CWP-12290-2024

Date of decision: - 23.05.2024

Sunil

....Petitioner

Versus

Indira Gandhi National Open University and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sukhbir Singh Goyat, Advocate
for the petitioner.

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 impugned email communications/responses dated 15.05.2024 (Annexure P-6) and 16.05.2024 (Annexure P-9) whereby the representations (sent through the student grievance portal) (Annexures P-5 & P-8) filed by the petitioner have been rejected.

2. Learned counsel for the petitioner has submitted that the petitioner has to give the examinations of Course Codes BSKG178 and BSOG171 in Bachelor of Arts, i.e., Programme Code BAG and regarding the same, the exams have been fixed on the same date and on the same time, i.e., 11.06.2024 in the evening time 2.00 PM - 5.00 PM. It is further submitted that a representation was given by the petitioner and in response to the said representation, vide an email dated 15.05.2024



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(Annexure P-6), respondent No.1-University had given the following reply: -

“Response: Kindly go through the guideline and instructions for submission of on-line examination form for June 2024 Term-End-Examination available at University website <https://exam/ignou/ac.in/> THE CLASH OF EXAM DATE/SESSION WILL NOT BE CONSIDERED.”

3. It is stated that as per the guidelines/instructions (Annexure P-7), there are only four grounds on which the clash of exam date/session would not be considered and the said grounds, which are contained in the said guidelines/instructions, are reproduced hereinbelow: -

“(I) THE CLASH OF EXAM DATE/SESSION WILL NOT BE CONSIDERED IN THE FOLLOWING CASES:

- i. The course are form the same group (Group-1 to Group-6) as the exam of courses in a particular group is conducted on same date and time.*
- ii. The courses are backlog courses (from different years).*
- iii. The courses are from different Programmes.*
- iv. In MP Programme, courses from different specialization.”*

4. It is further stated that vide email/representation dated 16.05.2024 (Annexure P-8), the petitioner had specifically informed the authorities that the case of the petitioner does not fall under any of the category mentioned in the said guidelines and the said email which was sent at 8:49 PM on 16.05.2024 has been reproduced herein below: -

“Query/Grievance : My two exams are scheduled on same day, same time i.e. BSKG178, BSOG171 and these exams do not fall under your terms and conditions regarding the clash of exam as my exams are for final year/third semester/year and not are from different program and the courses are not backlog course and are not MP programmes, and are not from different specialization.”

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5. Learned counsel for the petitioner has pointed out that without considering the specific plea raised by the petitioner, the authorities vide email dated 16.05.2024 (Annexure P-9) at 9:13 PM, had given the following response: -

“Response: Kindly go through the guideline and instructions for submission of on-line examination form for June 2024 Term-End-Examination available at University website <https://exam/ignou/ac.in/THE> CLASH OF EXAM DATE/SESSION WILL NOT BE CONSIDERED.”

6. It is submitted that a perusal of the above response would show that the plea raised by the petitioner on the basis of the guidelines (Annexure P-7), relied upon by the respondent authorities themselves, has not been taken into consideration. It is further submitted that in the said guidelines, the details of Group-1 to Group-6 have been given and the course codes of the petitioner do not fall under the said groups. It is stated that at this stage, the petitioner would be satisfied in case, the impugned order is set aside and respondent No.1 is directed to reconsider the matter in light of the above-said facts and circumstances and also the facts given in the email/representation dated 16.05.2024 (Annexure P-8).

7. Keeping in view the above-said facts and circumstances and also the urgency in the matter, this Court is of the opinion that the impugned email/rejection dated 16.05.2024 at 9:13 PM (Annexure P-9) is cryptic and non-speaking and has been passed without taking into consideration the plea raised by the petitioner in the email/representation dated 16.05.2024 (Annexure P-8) and accordingly, the response/rejection (Annexure P-9) is set aside and respondent No.1 is directed to reconsider

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the email/representation dated 16.05.2024 (Annexure P-8) within a period of one week from the date of receipt of certified copy of the present order and also after taking into consideration the arguments raised before this Court, take a final decision on the same in the above-said period. In case, respondent No.1 is of the view that the plea raised by the petitioner is meritorious, then, the appropriate relief be granted to the petitioner immediately thereafter and at any rate, much prior to the holding of the exams. In case, respondent No.1 is of the view that the plea raised by the petitioner is meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of one week.

8. In view of the above, the present writ petition stands disposed of accordingly.

May 23, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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