

2024:PHHC:103450-DB



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

(114)

LPA-1895-2024 (O&M)

Decided on : 12.08.2024

Trisha Gupta

.....Appellant(s)

Versus

Pt.B.D.Sharma University of Health Sciences, Rohtak & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Vivek Lamba, Advocate for the appellant (s).

Mr.Manpreet Singh Longia, Advocate, for respondent No.2.

G.S. Sandhawalia, J.(Oral)

CM-4486-LPA-2024

1. Application for condonation of delay of 31 days in filing the appeal is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 31 days in filing the appeal is hereby condoned.

2. CM stands disposed of.

LPA-1895-2024 (O&M)

3. Consideration in the present appeal is to the judgment dated 30.05.2024 passed in CWP-13370-2024 whereby the Learned Single Judge declined to interfere in the writ petition wherein the prayer was sought to appear in the Bachelor of Dental Surgery (BDS), 4th Year Examination to be conducted in August/September, 2024.

4. The reasons which prevailed with the Learned Single Judge was that as per the amendment in the Revised BDS Course Regulations, 2007, there was a requirement of clearing the BDS course in all subjects within a period of 9 years including one year Compulsory Rotatory paid internship. The said clause reads as under:

“Any student who does not clear the BDS Course in all the subjects within a period of 9 years, including one year Compulsory Rotatory paid Internship from the date of admission shall be discharged from the course.”

5. It is not disputed that the appellant has taken admission in the BDS course in the year 2015 and as contended by counsel for the appellant, the 9 years’ period has not expired as she took admission in September, 2015. However, the period of internship of one year also is yet to be cleared and thus she would go beyond the period of 9 years as mandated in the Regulations.
6. Mr.Longia has brought to our notice the judgment dated 22.07.2024 passed by the Co-ordinate Bench headed by Hon’ble Chief Justice in CWP-16758-2024 titled *Jasleen Kaur Vs. State of Punjab & others*, wherein similar issue had come up. The Division Bench had noticed that there was no challenge raised to the statutory period and accordingly, the writ petition was dismissed as withdrawn with liberty to challenge the same.
7. It is also to be noticed that the Learned Single Judge also noticed this aspect that neither the impugned letter dated 13.05.2024 (Annexure P-7) which had placed reliance upon the Regulations was subject matter of challenge in the writ petition nor any challenge had been raised to the prescribed period of 9 years.
8. Faced with this situation, counsel for the appellant does not press the present appeal and prays that the same may be disposed of, as such, with liberty to challenge the said Regulations and the impugned letter dated 13.05.2024 (Annexure P-7), if the appellant still wishes to.
9. Accordingly, in view of the above, the present appeal is disposed of, with the aforesaid liberty. All pending applications also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

12.08.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No