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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28049-2019 O&M)
Date of Decision: 05.11.2024

SHREYA JOHRI AND OTHERS

....Petitioner(s)

Versus

PANDIT BHAGWAT DAYAL SHARMA UNIVERSITY
OF HEALTH SCIENCES ROHTAK

.....Respondent(s)

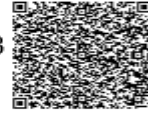
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhijeet Chaudhary, Advocate, for
Mr. Amitabh Tewari, Advocate, for the petitioners.

Mr. Tejas Bansal, Advocate, for
Mr. Sanjiv Kumar Aggarwal, Advocate, for the respondent.

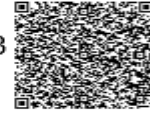
JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondent to pay compensation to the tune of Rs. 10,00,000/- each to the petitioners.
2. Learned counsel appearing on behalf of the petitioners submitted that some of the petitioners had taken admission in the year 2014 and some of the petitioners had taken admission in the year 2015 in the respondent-University for four years course in B. Pharmacy. However, in the 3rd year, the respondent-University could not conduct the supplementary examinations for the candidates who had to appear for supplementary in various subjects because



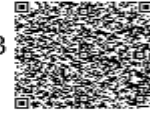
of the reasons best known to the respondent-University and thereafter in April, 2019 the aforesaid supplementary examinations were conducted by the respondent-University. He submitted that since the respondent-University was not conducting the supplementary examinations, some of the present petitioners and some of the other similarly situated students filed a writ petition before this Court which was disposed of vide Annexure P-10 on 12.04.2019 whereby the counsel for the University had stated that for supplementary examinations and annual examinations in order to avoid any overlapping, the University will hold special exams for those students who cleared their supplementary exams of 1st year, 2nd year and 3rd year in the month of June/July, 2019 and it was in view of the submission of the counsel for the University, the counsel for the petitioners of that case sought permission to withdraw the petition with a submission that the University be also directed to take suitable steps to avoid ineligibility of the petitioners beyond 15.08.2019 and to take all steps to ensure that examinations are held in time and result is also announced before that date and counsel for the University had assured that the requisite steps will be taken by the University and therefore, the petition was disposed on 12.04.2019. He submitted that similar kind of petition was also filed which was also disposed of on 12.04.2019 by another Co-ordinate Bench of this Court in CWP No.10179 of 2019. The aforesaid two judgments had attained finality because neither any review was filed in the aforesaid judgments nor the same were assailed before any appropriate Court.

3. Learned counsel submitted that the respondent-University was to complete the examination process by 15.08.2019 because as per the directions



of Hon'ble Supreme Court, the last date for admission to further Master Course had to be completed by the aforesaid date but the University did not complete the examination process before the aforesaid date with a result that the results of the petitioners were delayed and consequence of the same was that they could not apply for Master Course and their one year was wasted and therefore, the compensation to the tune of Rs. 10,00,000/- each petitioner may be granted to the petitioners in this regard.

4. On the other hand, learned counsel appearing on behalf of the respondent-University submitted that some of the petitioners and some of the other similarly situated students had rather filed two separate writ petitions before this Court in the year 2019 which were disposed of on 12.04.2019 vide Annexure P-10 by two different Co-ordinate Benches of this Court. He submitted that as per the assurance given to the Court, the respondent-University had completed the examination process in the theory papers before 15.08.2019 but the practical examinations were conducted afterwards and the result was also declared afterwards. He submitted that so far as the argument raised by the learned counsel for the petitioners that one year of the petitioners was wasted because they could not avail the benefit of applying for Master Course is concerned, the same is misconceived argument in view of the fact that the last date for completion of the entire process was 15.08.2019 for which the applications were to be given much earlier and the petitioners had never applied for the aforesaid Master Course and therefore, no prejudice was caused to the petitioners, even if the result was declared after 15.08.2019 because even if assumingly the result was declared by 15.08.2019 still the



petitioners could not have applied for the Master Course because the last date for admission was in the month of May, 2019 and therefore, the argument raised by the learned counsel for the petitioners is totally misconceived and no prejudice has been shown to have been caused to the petitioners in order to seek any compensation from this Court. He also submitted that even otherwise also, the petitioners are invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India for seeking damages for which the suitable remedy which lies with the petitioners may be filing of a civil suit and not a writ petition.

5. Learned counsel for the respondent-University also submitted that once the aforesaid orders Annexure P-10 passed by two Co-ordinate Benches of this Court attained finality, the present successive petition is also not maintainable because in case the petitioners wanted any extension of time for applying to the Master Course, then all these issues ought to have been raised by the petitioners in the aforesaid writ petitions and not in the present petition and therefore, the present successive writ petition is not even maintainable and is liable to be dismissed.

6. I have heard the learned counsels for the parties.

7. It is a case where some of the petitioners and the other similarly situated students had filed two separate writ petitions before this Court which were disposed of by two different orders by two Co-ordinate Benches of this Court vide Annexure P-10 on 12.04.2019. Although assurance was given by the respondent-University that in order to avoid ineligibility of the petitioners beyond 15.08.2019, the University will take all the steps to ensure that

examinations are held in time and result is also announced before that date. However, the University declared the result after 15.08.2019. In the present petition, the grievance of the petitioners is that they are entitled for compensation. For considering as to whether the petitioners will be granted compensation or not, it has to be seen as to whether any prejudice has been caused to the petitioners or not. In the present case, the admission process for the Master Course had to be completed by 15.08.2019 and as per the orders Annexure P-10, the examination was to be held and result was to be declared before the aforesaid date but the admission process started much prior to 15.08.2019. Learned counsel for the petitioners has not been able to show as to how any prejudice has been caused to the petitioners because even if assumingly the practical examination was held and the result was declared prior to 15.08.2019, the petitioners were still not entitled for applying for Master Course as that point of time.

8. This Court is of the considered view that the present petition is devoid of any merit especially in view of the fact that the petitioners are claiming compensation but have not been able to show any prejudice caused to them.
9. Consequently, the present petition is dismissed.

05.11.2024

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	Yes/No
Whether reportable	Yes/No