



CWP No. 18556 of 2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(286)

CWP No. 18556 of 2024

Date of Decision : 14.01.2025

Manvi Gulati

...Petitioner

Versus

Panjab University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Manvi Gulati-Petitioner in person.

Mr. Akshay Kumar Goel, Advocate for respondents No. 1 to 3.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner could not undertake all the examinations of the 6th Semester and she failed to appear in the paper of Administrative Law, which was held on 24.05.2024 as she was being treated in the hospital.

2. The petitioner wanted to appear immediately in the next examination, which was to be conducted on 09.08.2024 for the said paper but, the respondents did not allow her to appear on the ground that she can only appear for the said examination after a period of one year by treating that she had failed in the said examination. Petitioner approached this Court that in case she is to be treated as failed candidate, she will suffer irreparable loss as, she intends to participate in various competitive examinations, which are not open to the candidates who had re-appears in their academic course,



hence, the petitioner be not treated as a failed candidate but be allowed to appear in the examination of the Administrative Law.

3. By an interim order dated 06.08.2024, the petitioner was allowed to appear in the Administrative Law of the 6th Semester, which was scheduled to be held on 09.08.2024. The petitioner has already appeared in the said examination but her result was not being declared on the ground that there is no such order from the Court.

4. On the last date of hearing i.e. 10.01.2025, the order was passed to bring the result of the said examination so as to ensure whether, the petitioner has been able to clear the said examination or not.

5. Today, the sealed cover has been brought in Court and has been perused by this Court. The petitioner has been able to clear the said examination. Keeping in view the fact that the petitioner has been able to clear the said examination coupled with the fact that the averments that the petitioner was not well and was being treated in the hospital at the relevant time when the examination was undergoing have gone un-rebutted in the facts and circumstances of the present case, the petitioner's result of the examination undertaken under the orders of the Court be declared by the University concerned and the petitioner be not treated having cleared the said examination as a re-appear candidate but as a candidate, who due to the medical emergency, could not appear in the examination concerned so that a brilliant student does not lose a chance to appear for the competitive examination only because of her sudden health issues on the date of examination.

**CWP No. 18556 of 2024****3**

6. In the present case, the petitioner has already undertaken the examination under the orders of the Court and now, treating the petitioner as ineligible so as to take the examination once again will be too harsh and that too by treating her to be a re-appear candidate so as to oust from the various competitive examination.

7. Learned counsel for the respondent-University submits that this order should not be treated as a precedent.

8. It may be noticed that every decision is to be taken on the basis of the facts and circumstances of each case and the decision is to be taken on each case on the basis of its own merits. The decision in the present case is taken in the facts and circumstances of the present case and in case, as the decision given in the present case is relied upon by any other candidate, the University will be free to point out the differentiating facts in the said case so as not to follow the judgment in their case.

9. The writ petition filed by the petitioner is allowed. The respondents are directed to declare the result of the petitioner officially in the Gazette and grant her the DMC for the 6th Semester on the basis of the result which has been produced before this Court. The result brought is again sealed and returned back to the counsel for the University for complying with the order passed.

January 14, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No