

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

109

CWP-31286-2025

Date of Decision : December 03, 2025

MANAV PANCHARIA

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. D.S. Patwalia, Sr. Advocate, with
Mr. Gaurav Rana, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Japsehaj Singh, Advocate
for the respondents No.2 and 3.

Mr. Ishan Gupta, Advocate, with
Ms. Deepali Jindal, Advocate, and
Ms. Muskan Gupta, Advocate
for the respondent No.4.

Mr. Nitin Kaushal, Advocate, with
Mr. Sahil, Advocate
for the respondents No.5 and 7.

Mr. Ravi Sharma, Advocate
for the respondent No.6.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner, who suffers from bipolar disorder, has approached this Court seeking quashing of the communication dated 11.10.2025, issued by respondent No.2- College, whereby he has been placed under suspension pending completion of the police inquiry.

2. The impugned communication stems from a complaint made

by respondent No.4, a fellow female student, alleging stalking and harassment by the petitioner. It appears that, in order to safeguard the interests and well-being of respondent No.4, respondent No.2- College has taken a decision to suspend the petitioner pending the outcome of the police inquiry.

3. Learned senior counsel for the petitioner submits that the petitioner suffers from a mental disability, namely bipolar disorder. It is argued that instead of adhering to the prescribed protocol, rules, and regulations applicable to persons with mental disabilities, respondent No.2- College imposed the harsh punishment of suspension, thereby preventing the petitioner from attending classes. Continuation of the suspension would, indisputably, bar him from appearing in the examinations due to his inability to meet the requisite attendance, lectures, and syllabus requirements. It is further submitted that the petitioner is academically meritorious, having secured more than 70% marks in his first-year examinations, though he completed the first year over a span of four years due to his medical condition.

4. On 17.10.2025, this Court, at the initial stage and without issuing formal notice to the respondents, directed respondents No.2 and 3 to have appropriate instructions from the quarter concerned so that the matter could be resolved while considering the interests of both the petitioner and respondent No.4. During the subsequent hearing on 30.10.2025, it was brought to the notice of this Court that the petitioner's father had submitted an application seeking temporary transfer of the petitioner from respondent No.2- College to respondent No.7- College solely for attending classes, with

the objective of preserving his academic career and protecting the dignity of respondent No.4. Accordingly, vide order dated 30.10.2025, this Court directed respondent No.5- University to consider the petitioner's medical condition, along with the guidelines laid down by the Hon'ble Supreme Court in "*Sukdeb Saha v. State of Andhra Pradesh & Ors.*", 2025 AIR SC 3458, and to take a final decision sympathetically on the transfer application (*supra*).

5. In deference to the directions (*supra*), respondent No.5- University filed its reply stating that the petitioner had secured admission under the Sports Quota and not under any category for persons with disabilities. It was further disclosed that no provision exists under the University Calendar or Regulations enabling the University to transfer a student from one affiliated medical college to another as a matter of administrative discretion. However, the University expressed its willingness, under orders of this Court, to permit the petitioner to attend classes on a temporary basis, subject to an undertaking from the petitioner and his parents that he would undergo treatment under competent specialists, and that in the event of deterioration in his condition, such temporary permission would be revoked. Respondent No.6- National Medical Commission also took a similar stand.

6. Be that as it may, the primary concern of this Court is to secure the welfare of the petitioner, who suffers from a mental disability, while simultaneously ensuring that respondent No.4 is able to pursue her academic studies without further disturbance. To achieve this balance, this Court is of the view that there cannot be any possible negative covenant under the

apposite regulations in allowing the petitioner to temporarily attend classes at respondent No.7- College.

7. Learned counsel for respondent No.7- College, while aligning with respondent No. 5 in principle, submits that keeping in view the welfare of both students, respondent No.7- College would have no objection to allow the petitioner to attend classes temporarily. This, however, would be subject to the petitioner's parents furnishing a specific undertaking to ensure that he continues treatment under qualified specialists and regularly submits medical fitness reports to the competent authority, and further, in case his condition deteriorates, respondent No.7- College may reconsider its consent for such temporary attendance.

8. This Court finds the submissions of learned counsel for respondent No.7- College to be reasonable. Accordingly, the writ petition is **disposed of** with a direction to respondent No.5- University to permit the petitioner to attend classes temporarily at respondent No.7- College. Moreover, since the petitioner remained under suspension, respondent No.7- University shall devise an appropriate mechanism to enable him to make up any deficiency in lectures and syllabus, and if this necessitates payment of additional tuition fees, the petitioner shall be under obligation to pay the same. It is, however, clarified that for all purposes, the petitioner shall continue to be a student of respondent No.2- College and shall appear in examinations only at respondent No.2- College. Upon completion of one full academic session, respondents No.5- University and respondent No.7- College shall revisit the matter and take a fresh decision as to whether the temporary arrangement should continue or the petitioner should be

reintegrated into respondent No.2- College.

9. The writ petition stands disposed of accordingly.

December 03, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No