



LPA-1357-2026 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-1357-2026 (O&M)
Date of Decision :08.05.2026

Manraj Singh Sandhu

...Appellant

Versus

Bar Council of Punjab and Haryana
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vikas Jain, Advocate with Mr. Ankur Bali, Advocate
for the appellant.

Mr. Chetan Mittal, Sr. Advocate with Mr. Udit Garg, Advocate
for respondents NO.3 & 4.

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Harsimran Singh Sethi, J. (Oral)

CMs-3308 & 3309-LPA-2026

1. As prayed for, applications are allowed.

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2. Present appeal has been filed for the grant of interim order which has been declined by the learned Single Judge vide order dated 04.05.2026 passed in CWP-13892-2026 so as to allow the appellant to appear in Semester VIII (4th year) final term examinations, which examinations have already started w.e.f. 05.05.2026.

3. Learned counsel for the appellant submits that the denial of appearing in the said examination is on the ground that the appellant had less than 70% of attendance in his credit, which minimum percentage of attendance is required in order to be eligible to appear in the examination but, as the appellant was not medically fit and had undergone a surgery, he was not even able to sit and rather he was required to change dressing of the wounds twice a day, he could not

achieve the minimum required 70% attendance in the total lectures delivered which to be attended by a candidate/student. Learned counsel for the appellant further submits that even though as of now, two examinations out of all of the examinations to be undertaken, have already been held but, in case the appellant is allowed to appear in the remaining examination, he will be saved in the way that he will not have to appear in re-appear examination and keeping in view that the appellant has already prepared so as to appear in the examination, he intends to clear the remaining examination in case allowed by this Court.

4. Learned counsel for the appellant further submits that the attendance of the appellant in previous years/semesters in the lectures delivered, would show that he was regular in attending the lectures and it was only due the ailment and the surgery undergone by the appellant that he could not fulfil the required criteria of attending minimum 70% of all the lectures and hence, his case has to be treated on a different footing as compared to the other students, who have failed to attend 70% of the total lectures delivered in order to become eligible to appear in the examination. Hence, keeping in view the peculiar facts of this case, the appellant should be held entitled to appear in the examination keeping in view the lectures which were delivered either before surgery or after the appellant became fit from the wounds suffered in the surgery.

5. Notice of motion.

6. Mr. Chetan Mittal, Sr. Advocate with Mr. Udit Garg, Advocate accepts notice on behalf of respondents No.3 & 4 and submits that once an embargo is there for not allowing the candidate to appear in the examination, who has less than 70% of attendance of the total lectures delivered, nothing remains with the institution so as to allow such candidate to appear in the examination. Learned Senior counsel appearing on behalf of respondent No.3 & 4 further submits that qua the medical ailment, for such kind of students who are suffering

and the appellant can appear in such examination keeping in view the observation of the learned Single judge of this Court in the impugned order.

7. We have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It may be noticed that though, the requirement of attending 70% of the total lectures delivered so as to be eligible to appear in examination is to be seen keeping in view the rules governing the admission to the examination by a candidate as have been framed by the institute concerned as per the restrictions imposed by the Bar Council of India but, such restrictions are to be seen and evaluated keeping in view the factual aspect also especially the medical emergency suffered by a particular candidate and therefore, discretion can be exercised by the competent Court of law.

9. It may be further noticed that such discretion has already been exercised by this Court in favour of a candidate though, the bench-mark was fixed by the Court at attendance of 65% of lectures out of the total delivered lectures.

10. Once, in the present case, the attendance of the appellant was fairly well prior to the surgery undergone by him and even after getting fit from surgery, the said discretion needs to be exercised in favour of the appellant.

10. Further, we have seen the pictures appended by the appellant with the appeal with regard to the surgery undergone by the appellant and the wounds suffered by him and even as of now, he has to change the dressing of said wounds hence, this Court feels that the discretion needs to be exercised in favour of the appellant keeping in view the totality of the facts and circumstances of the present case for the grant of benefit of interim order.

10. Keeping in view the totality of the facts and circumstances, the respondent-Institute is directed to allow the appellant to appear in the remaining Semester VIII (4th year) final term examinations. However, such appearance will be subject to the final outcome of the writ petition, which is still pending

consideration before the learned Single Judge. The grant of admission to appear in the remaining examination by way of interim order will not give any right to appellant to claim any benefit. The result of such examination will only be declared in case, the learned Single Judge deems it fit to be declared by passing appropriate order while deciding the writ petition which is pending before the learned Single Judge.

- 11. Present appeal is disposed of in above terms.
- 12. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 08, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No