

(2014) 12 P&H CK 0062
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 19016 of 2014 (O and M)

Kavya Setia

APPELLANT

Vs

The Panjab University and Others

RESPONDENT

Date of Decision : 10-12-2014

Acts Referred:

Citation : (2015) 178 PLR 435

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Arun Gossain, Advocate for the Appellant; Alka Chathrath, Advocate for the Respondent;

Final Decision : Disposed off

Judgement

K. Kannan, J.

1. The petitioner lost the seat which was granted to him since he failed to attend at least 33% of the total classes in the 1st 10 working days after the session started. This was the requirement as per the University Regulations that forms part of information submitted in the Handbook 2013. The rule requirement is that by the 12th day after the start of the classes, if a student did not have the requisite attendance, his name shall be put up on the notice board and within four days of such notice, the student shall state the reason for absence. In this case, the petitioner did not have the requisite attendance and he was served with notice, dated 25.8.2014, referring to the prospectus on cancellation in terms of the Regulations. The petitioner admittedly appeared on 28.8.2014 and submitted a leave application that he was not keeping well from 11.8.2014 to 14.8.2014. His plea was rejected and the seat vacated by him was said to have been given to another candidate. The petitioner's contention was that he went to the General Hospital, Sector 16, Chandigarh on 10.8.2014 and an injection was administered to him and when the pain persisted he went also to another doctor who was a general physician, who gave a certificate to the effect that he advised complete rest for four days from 11.8.2014 to 14.8.2014 for early recovery. The

certificate was sought to be relied on by the petitioner to state that since he had been advised bed rest, he could not come to the college.

2. The University would contend that the petitioner had furnished only an #OP slip from the hospital that was issued on 10.8.2014 and that gave no indication of requirement of bed rest. When this was confronted to the petitioner for rejection of his request, the petitioner had subsequently produced a certificate purported to have been issued on 11.8.2014.

3. While the petitioner would state that he had furnished the medical certificate advising bed rest even on 11.8.2014, the university would submit that this certificate was not given and his request was only accompanied by OP slip. I cannot take a decision of whether the certificate was given on the 1st day of the notice itself or it was produced subsequently when a decision was taken to strike off the name of the petitioner from the rolls. I do not find that there is any scope left for the court to make intervention especially when a person from the waiting list has been admitted to the college in the place that was vacated by the petitioner.

4. The petitioner who appears in person pleads with passion that he could be granted the benefit of re-admission as a special case. The counsel appearing on behalf of the respondent-university states that there is no vacancy in the college to which he could be re-admitted. I do not want to foreclose the option, if it is possible that the Vice Chancellor exercises his discretion of readmitting the petitioner as a special case if an additional seat could be created for the sessions 2014-2015. The petitioner is at liberty to approach the Vice Chancellor with such a request within a week and the Vice Chancellor will take an appropriate decision after verifying the vacancy position in the college and after ensuring that there is no statutory violation of the norms laid down by the Government as regards the total number of seats that could be filled in a particular year and that further the Vice-Chancellor has such a discretion. The writ petition is disposed of making no intervention with the order already passed but with the above observations.