

**(2021) 05 GUJ CK 0016**  
**In the Gujarat High Court**

**Case No : R/Special Civil Application No. 7435 Of 2021**

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|-----------------------------------|------------|
| Razaiwala Mohammed Hammad Hussain | APPELLANT  |
| Vs                                |            |
| Nirma University & 1 Other(s)     | RESPONDENT |

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**Date of Decision : 11-05-2021**

**Acts Referred:**

Constitution Of India, 1950 — Article 226, 227

**Citation : (2021) 05 GUJ CK 0016**

**Hon'ble Judges : Vaibhavi D. Nanavati, J**

**Bench : Single Bench**

**Advocate : S D Mansuri**

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## Judgement

Vaibhavi D. Nanavati, J

1. This matter was mentioned for urgent circulation, this Court granted permission for circulation as per court matter on even date.

2. By way of this petition, the petitioner is seeking indulgence of this Court under Article 226 and 227 of the Constitution of India being aggrieved by

the policy adopted by respondent University with regard to the overall evaluation scheme amidst the current situation due to ongoing Covid - 19

Pandemic and seeking cancellation of the examination scheduled to start from 08.05.2021 for the viva component and 20.05.2021 for final written

examination, the petitioner has prayed for the following reliefs:-

(A) THIS HON'BLE COURT MAY BE PLEASED TO issue a writ of mandamus or any other appropriate writ/order/direction to the respondent

No.1 to cancel the viva voce and the end semester examination and to evaluate the petitioner student on the basis of submissions/evaluations of the

entire semester.

(B) THIS HON'BLE COURT MAY BE PLEASED TO order the respondent university to cancel the NT/IF fees if any of the student fails as per the

evaluations conducted by the respondent university.

(C) THIS HON'BLE COURT MAY BE PLEASED TO order the respondent university give the window to the students who have failed to submit or

give internal components and that no student of the respondent university should be detained in the current academic year/semester.

(D) THIS HON'BLE COURT MAY BE PLEASED TO pass any appropriate order in favour of the petitioners and respondent students as it may

deem fit to this Hon'ble Court.

3. Heard learned advocate Mr. M.A. Kharadi appears for Mr. S.D. Mansuri for the petitioner. Learned advocate Mr.Kharadi has produced

examination schedule at Annexure â?" C, which was notified on 07.12.2020 and it is noticed that Semester End Examination will be conducted from

17.05.2021. It is further submitted by learned advocate Mr. Kharadi that University has scheduled two viva examinations in a day, however,

University has granted permission for exemption to all the students who are enable to appear at the viva examination. At this stage, learned advocate

Mr.Kharadi requests for filing draft amendment to place on record further development with regards to the upcoming examinations. The request as

prayed for is granted.

4. Let the matter be listed on 17.05.2021.