

**CWP No.19661 of 2024 (O&M)**

2025:PHHC:017381



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

**CWP No.19661 of 2024 (O&M)  
Date of decision:05.02.2025**

Nidhi Garg

...Petitioner

Versus

Panjab University and others

...Respondents

**Coram: Hon'ble Mr. Justice Harsimran Singh Sethi**

Present: Mr. Bhupinder Kumar Gupta, Advocate,  
for the petitioner.

Mr. Shubham Thakur, Advocate,  
for respondent nos.1 to 3.

Mr. Harshit Khanna, Advocate, and  
Mr. Iknor Singh, Advocate, for respondent no.4.

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**Harsimran Singh Sethi, J. (Oral)**

**CM-148-CWP-2025**

1. The present application has been filed for modification of the order dated 11.12.2024 whereby a penalty of Rs.10,000/- was imposed upon the respondent-university for non-filing of reply.

2. Notice in the application.

3. Mr. Bhupinder Kumar Gupta, learned counsel appearing on behalf of the petitioner accepts notice and very fairly submits that the petitioner only intends to pursue her studies and is not after the money and, therefore, the application filed by the respondent-university may be allowed and the costs of Rs.10,000/- be waived off.

4. Ordered accordingly.

**CWP No.19661 of 2024 (O&M)**

2025:PHHC:017381



**Main case**

1. In the present petition, the grievance raised by the petitioner is that she was admitted in B.Sc. (Medical) course in March 2017 in respondent no.4-college and she appeared in the 1<sup>st</sup> semester examination which was held by the respondent-university and passed the said semester. Thereafter, the petitioner appeared in the 2<sup>nd</sup> semester of B.Sc. (Medical) and cleared the same in May, 2018. Keeping in view certain matters of personal nature, the petitioner could not pursue the said course and had to go abroad but she came back and again sought admission in B.Sc. (Medical) course and was granted admission in June, 2022 by respondent no.4-college in 3<sup>rd</sup> semester (2<sup>nd</sup> year) of the course. The petitioner continued her studies but ultimately, when she was to appear in the final semester examination, i.e. 6<sup>th</sup> semester examination, she was not allowed to appear in the same on the ground that there was some irregularity in the admission of the petitioner and, therefore, she is not eligible to appear in the 6<sup>th</sup> semester examination.

2. The petitioner has approached this Court with a prayer that the respondent-university be directed to take 6<sup>th</sup> semester examination of the petitioner so that she is able to complete her B.Sc. (Medical) course, otherwise her 8 years will go in vain and she will be left without any academic qualification.

3. Upon notice of motion, replies have been filed by the respondent-university and respondent no.4-college.

4. Learned counsel for the respondent-university submits that once the petitioner left the course in the year 2018 and came back in June 2022, she could not have been granted admission in the 2<sup>nd</sup> year by the

**CWP No.19661 of 2024 (O&M)**

2025:PHHC:017381



respondent-college and she should have started the course afresh from the 1<sup>st</sup> semester. He further submits that the B.Sc. (Medical) course is to be completed within a period of six years from the date of admission and starting the course in 2017 onwards, six years have already elapsed and, therefore, the petitioner has rightly been not allowed to appear in the 6<sup>th</sup> semester examination. He further submits that the admission granted to the petitioner in June 2022 in 2<sup>nd</sup> year was wrongly done by the college concerned, for which the respondent-university cannot be made liable.

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

6. Even if it is assumed, for the sake of argument, that there was an irregularity, either on the part of the university or the college, in granting admission to the petitioner in June 2022 in 2<sup>nd</sup> year of B.Sc. (Medical) course, the due care has to be taken for the welfare of the student so that she does not suffer because of the fault of the university or the college. Further, it is conceded that the petitioner has undergone her studies upto 6<sup>th</sup> semester and also cleared all the examinations upto 5<sup>th</sup> semester but she has been stopped from appearing in the final/6<sup>th</sup> semester examination only, though she has already studied during whole of the said 6<sup>th</sup> semester. When the petitioner was not at fault and no fact was withheld by her to secure admission before respondent no.4-college in June 2022, she cannot be put into a situation where her 8 years of her studies are left without any fruit so as to pursue her remaining life.

7. The argument of the respondent-university is that the admission could not be given in the 2<sup>nd</sup> year by respondent no.4-college in June 2022 and the same has to be asked from the institution and not from the

**CWP No.19661 of 2024 (O&M)**

2025:PHHC:017381



candidate, especially when there is no misrepresentation on the part of the candidate. On any irregularity on the part of the institute, the students cannot be punished.

8. With regard to the argument that a student is required to complete the B.Sc. (Medical) course within a period of six years from the date of admission, it is pertinent to notice that there was Covid-19 pandemic and it could be a possibility that certain students could not keep up with the pace of other students during the said period, therefore, the said period needs to be set off against time period taken by the petitioner to complete her course and if this fact is made applicable in the present case, the petitioner's case could be brought within the required period of six years so that she can appear in the 6<sup>th</sup> semester examination of the B.Sc. (Medical) course.

9. Keeping in view of the above, though the petitioner was not allowed to appear in the 6<sup>th</sup> semester examination when conducted in the year May 2024 but in the next examination of the 6<sup>th</sup> semester of B.Sc. (Medical) course (even supplementary or the main examination), the petitioner shall be allowed to appear in the said 6<sup>th</sup> semester examination and in case the petitioner passes the same, further action be taken to grant her the recognition of her qualification, in accordance with law, without raising any further objection.

10. The writ petition is disposed of in the above said terms.

**February 05, 2025**  
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**(Harsimran Singh Sethi)**  
**Judge**

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