



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

CWP-8285-2025

Date of Decision : 25-03-2025

ASHMEET SINGH

.....Petitioner

VERSUS

PANJAB UNIVERSITY AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tejveer Singh Saggu, Advocate and
 Mr. Jodh Singh Sidhu, Advocate
 for the petitioner.

 Mr. Akshay Goel, Advocate
 for the respondent-Panjab University.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that while pursuing B.Com LL.B. (Hons.) (5 years Integrated Course), the petitioner unfortunately could not appear in certain examinations of the 7th semester, which were held in the month of November and December, 2024 due to some medical urgencies.

2. Learned counsel for the petitioner submits that the petitioner was suffering from pneumonia and he was hospitalised during the time examination of 7th Semester were going on and hence, could not appear in certain examinations for the said Semester though, after recovering, the petitioner appeared in the examinations which were held on 13th, 17th and 20th of December, 2024 for the 7th Semester.

3. Learned counsel for the petitioner submits that the examinations for 7th Semester which were held when the petitioner was ill, are going to be held again in the month of April, 2025 hence, it is the prayer of the petitioner that the petitioner be allowed to appear in the said examinations.

4. Notice of motion.

5. Mr. Akshay Goel, Advocate appears on behalf of respondent-University and submits that candidates, who are in final year (5th year) have been given a benefit by the respondent-University that in case, any of the candidate who was not well during the time examinations were held, would be allowed to appear in the examinations which are now going to be held in the month of April, 2025 but the said benefit is not admissible to a candidate, who is not in the final year of the LL.B. Course.

6. Learned counsel for the respondent-University further submits that a policy decision has been taken that in case, a candidate is not able to appear in the examination due to ill health, he/she will not be treated as a failed candidate but will be treated as a candidate who could not appear in the examination due to illness, which fact will be recorded even while issuing him/her the DMC.

7. Learned counsel for the petitioner submits that in somewhat similar circumstances, a benefit has been granted by this Court while passing order in CWP No.18556 of 2024 titled "***Manvi Gulati Vs. Panjab University and ors.***" ***decided on 14.01.2025.***

8. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

9. Once, it is a matter of fact that only the final year students are allowed to appear in the examinations, which are going to be conducted in April, 2025, who had missed the earlier examinations due to illness or being a sports person, the claim of the petitioner to appear in these examinations going to held in April, 2025 is not covered as the petitioner is not in the final year of the B.Com LL.B. (Hons.) (5 years Integrated Course).

10. Further, the petitioner will not be treated as a failed candidate so as to seek for re-appearing qua the examinations missed as the respondent-University has already decided that the candidate who misses the examination due to illness and proves before the authorities that they were ill by placing on record the documents required, in case they subsequently appear for the examination they could appear in before, they will be treated as a candidate having missed the examinations due to illness and not as failed candidate hence, the respondent-University has already framed a policy not to treat the petitioner as failed student in case, petitioner proves that he was ill when the examinations for 7th Semester were taken place in month of November/December, 2024.

11. The last argument which has been raised by the learned counsel for the petitioner is that the situation of the petitioner is akin to *Manvi Gulati's case (supra)*, it may be noticed that she had already appeared in the examination and only the result was awaited to be declared, and in the said case, the University was asking the candidate to appear again in the same examination which she had actually passed hence, an order favourable to petitioner in *Manvi Gulati's case (supra)* was passed whereas in the present case, the petitioner is yet to appear in the examination hence, the facts and

circumstances of the present case are not same to claim the benefit as extended to *Manvi Gulati's case (supra)*.

12. Keeping in view the above, no ground is made out for issuing the directions to the respondent-University so as to allow the petitioner to appear in the examinations of the 7th Semester which are going to be conducted in the month of April, 2025 however, in case the petitioner is able to prove before the authorities concerned that he was unwell when the 7th Semester examination were conducted in the month of November/December, 2024, the respondent-University will be bound to pass appropriate order treating the petitioner having missed the examination on account of illness rather than treating him as a re-appearing candidate.

13. Present petition stands dismissed in limine.

25-03-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO