

## Vasu Gupta Vs Punjab Technical University, Jalandhar

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Dec. 21, 2016

**Citation:** (2017) AIR(Punjab) 27 : (2017) 1 SCT 773

**Hon'ble Judges:** G.S. Sandhawalia, J.

**Bench:** Single Bench

**Advocate:** Puneet Jindal, Senior Advocate with Ms. N.A. Mahajan, Advocate, for the Petitioner; Puneet Sharma, Advocate, for the Respondent No. 1-institute; Tribhawan Singla, Advocate, for the Respondent No. 1-University

**Final Decision:** Allowed

### Judgement

EPS

Parameters" ,,,,,

Basic Intervals:,,,,,

,PA,AH,HV,QRS,QT

Normal values

ms", (22-55), (26-120), (35-55), (80-90), (<440)

(RR=600 ms), 25, 50, 60, 90, 320

The accessory pathway was mapped using ablation catheter in the left free wall region. The accessory pathway was ablated using RF energy. ,,,,,,

Single applications of 45 watts were given for 60 seconds in 3"O clock mitral valve annular position. No tachycardia was inducible after the. ,,,,,,

ablation. There was no evidence of accessory pathway after the ablation. ,,,,,,

No AV block was observed during or after the RF energy delivery. ,,,,,,

FINAL ASSESSMENT ,,,,,,

1. AVRT ,,,,,,

2. Concealed left free wall accessory pathway ,,,,,,

3. Successful RF ablation. "" ,,,,,,

As per the discharge summary, the details were also mentioned that the procedure was uncomplicated and well tolerated and he was discharged in" ,,,,,,

a similar stable condition and he had a similar episode in the year 2009. It is further the case of the petitioner that on said medical intervention, he" ,,,,,,

had also suffered various ailments and was under treatment and the necessary medical certificates have been attached, showing he was under" ,,,,,,

treatment from 13.03.2015 to 03.04.2015 in a private hospital at Jalandhar.,,,,,,

4. On account of his detention on the shortage of lectures on 23.04.2015, he approached this Court in CWP No.8833 of 2015 (Annexure P-10)." ,,,,,,

Keeping in view the power of relaxation as per Regulation 8 and the fact that he had filed a representation, the writ petition was disposed of with" ,,,,,,

directions on 10.08.2015 (Annexure P-10) to take a sympathetic view, keeping in view the background and his representation be decided." ,,,,,,

5. It is pertinent to mention that there was a interim order dated 06.05.2015 in his favour in the earlier writ filed whereby he had been permitted to ,,,,,,

sit in the subsequent examinations. It is also a matter of record that he has now cleared 3rd and 4th semester examination. Result of one paper is to ,,,,,,

be cleared, which has to be re-evaluated and resultantly, the petitioner has thus progressed academically and is studying in the 5th semester. The" ,,,,,,

impugned order was, thereafter, passed on 04.03.2016 (Annexure P-16) at a belated stage, in spite of directions of this Court that the issue be" ,,,,,,

decided within a period of four weeks.,,,,,,

6. As noticed the ground for rejection is that similar that students similarly placed would seek same consideration. The order on the face of it an ,,,,,,

order without reasons. The details have already been mentioned. The petitioner was suffered from a serious medical ailment. He escaped from the ,,,,,,

jaws of death having collapsed in the educational institution and was revived timely on account of proper medical treatment. He, thereafter, had" ,,,,,,

been treated in the specialised hospitals at Gurgaon/New Delhi. All these aspects have totally been ignored by the Vice-Chancellor of the ,,,,,,

University while passing the order. The medical record has not been examined and discussed and, therefore, the order cannot be called a reasoned" ,,,,,,

in any manner and is liable to be set aside on this ground alone.,,,,,,

7. As per Regulation 8, the Vice-Chancellor is competent to allow any relaxation, subject to the ratification by the Board of Governors. Regulation" ,,,,,,

8 reads as under: ,,,,,,

Notwithstanding anything contained in these Regulations, the Vice Chancellor shall be competent to allow any relaxation subject to ratification by" ,,,,,,

the Board of Governors." "" ,,,,,,

In spite of the powers vested in him, the Vice-Chancellor unfortunately, even in a justified case, has chosen not to exercise the same and thus the" ,,,,,,

order is not sustainable.,,,,,,

8. Senior counsel for the petitioner has very ably also pointed out that as many as 35 students were given benefit and specifically pleaded the said ,,,,,,

fact in the Para No.17. The reply of the respondent- University also admits this fact that out of 35 students, 31 students had to give their exams," ,,,, ,

but were to attend classes of the earlier sessions. However, regarding the three students there is only a passive plea taken that they were given the" ,,,, ,

benefit by the Vice-Chancellor, but the said decision was not ratified by the Board of Governors, which was to be done. Thus, admittedly for the" ,,,, ,

other three it has not been clarified that whether they were permitted to carry on with their course, even if the Board of Governors had not ratified" ,,,, ,

the said decision of the Vice- Chancellor.,,,, ,

The admission is thus apparent that similarly situated persons who may be placed at lower pedestal have been granted the benefit.,,,, ,

9. Reference can also be made to the judgment passed by this Court in the Case of "Salil Trikha v. Guru Nanak Dev University, Amritsar and" ,,,, ,

another" 2011 (1) SCT 587. It was held that if the students are kept away from the studies under medical ailments and the circumstances beyond,,, ,

their control, then the admission is to be regularized. The relevant portion of the said judgment reads as under:-" ,,,, ,

Here is a case where the petitioner was prevented from attending classes/course on account of the circumstances beyond his control. No statutory" ,,,, ,

rules or Ordinance has been placed before this Court which may deal with a situation like this. No rule or law is intended to over look the genuine,,, ,

problem of the human beings. These rules apply in normal situations and do not deal with the abnormal situation like the present one where a,,, ,

candidate has suffered on account of the medical problems which were beyond his control.,,,, ,

10. Accordingly, the writ petition is allowed. The impugned order dated 04.03.2016 (Annexure P-16 colly.) is quashed. A writ of mandamus is" ,,,, ,

issued directing the Vice-Chancellor of the respondent- University to grant the benefit by exercising the power under Regulation 8 in the favour of,,, ,

the petitioner and grant exemption to him on the medical ground from having 75% attendance in the 2nd semester in the facts and circumstances of,,, ,

the case.,,,, ,

11. With the above said observations, the present writ petition is allowed. The needful be done within a period of four weeks from the receipt of" ,,,, ,

the certified copy of this order. The benefit of examinations given under the interim orders of the Court will be accordingly given to the petitioner.,,,, ,