

Before Rakesh Kumar Jain, J.

SIMERANDEEP KAUR—Petitioners

versus

STATE OF PUNJAB AND OTHERS—Respondents

CWP No.21370 of 2016

May 17, 2017

Constitution of India, 1950—Art.226—Completion of Msc. (Nursing) Degree—Maximum period allowed to complete the Degree is 4 years—Gap between 1st and 2nd year—Petitioner cleared her 1st year and immediately applied for the 2nd year by paying requisite fee—She discontinued thereafter and joined as a Staff Nurse in the Government of Punjab—In 2015 she again applied to continue her 2nd year of Msc.—Her application was rejected—Held, she was allowed to continue her studies as her application was not decided by the Vice Chancellor on time—Had her application been decided on time, she would have completed her degree within 4 years—Petitioner was allowed an extended period of 1 year to complete her Degree.

Held that, there is a casual approach on the part of the University in dealing with the application of the petitioner seeking permission to continue with the course because of which her precious time has been wasted. There is no dispute that the petitioner had joined the course in September, 2012 and cleared 1st Year Nursing in September, 2013. There is no dispute that she had taken admission in the 2nd Year Course of Nursing and deposited the requisite fee on 13.9.2013. There is also no dispute that the petitioner got employment as a Staff Nurse and discontinued her studies for two years i.e. upto the year 2015. Since she had already taken admission in the 2nd year of the M.Sc. Nursing, therefore, at the relevant time, she moved an application in September, 2015 to the University for seeking their permission to allow her to continue with her studies but the said application was not decided forthwith raising the objection of discontinuation of her studies rather the application was decided after a period of four months on 23.2.2016, that too, intimating the Principal of the College where the petitioner was studying that her application is not accepted because she had to complete the Nursing Course within a period of maximum four years. It is also not mentioned in that letter (Annexure R1/1) that the period of four years had already expired. The letter (Annexure R1/1) is cryptic giving no reason except for referring

to the Rules which require that the course has to be completed by the petitioner within a period of four year. It was at least expected of the University to have mentioned some facts about the case of the petitioner.

(Para 3)

Further held that, to my mind, the entire fault lies with the University in not considering the application of the petitioner in time and intimating her about any deficiency on her part in moving the application. Therefore, period of one year for the purpose of completing her course is extended and the University is directed to allow the petitioner to complete the course of M.Sc Nursing by considering the application, if it is found complete in all other aspects.

(Para 4)

J.P.S. Sidhu, Advocate
for the petitioner.

Manish DAdwal, Advocate
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

(1) This petition is filed for seeking a direction to allow the petitioner to join M.Sc. (Nursing) 2nd year. In short, the petitioner had joined the M.Sc. (Nursing) (Speciality in Obstetrical and Gynecological Nursing) on 29.9.2012. She cleared Ist year in September, 2013 and joined 2nd year on 14.9.2013 after depositing the requisite fee but since she got employment as a Staff Nurse in the Government of Punjab, therefore, she discontinued her studies for two years during the session 2013-2014 and 2014-2015 but she applied for continuation of her studies in September, 2015 to the University. The University did not give any reply to the said application for a long time and ultimately wrote a letter dated 23.2.2016 to her College that as per the decision, taken by the Vice Chancellor of the University, the application of the petitioner could not be accepted as the said course has to be completed within four years, i.e. from the date of joining the course. According to the petitioner, the 4th year had to come to an end in September, 2016 as the petitioner had joined the course in September, 2012. It is further submitted that the petitioner made request to the University in 1 of 4 the end of September, 2015 but her application was not decided, one way or the other, till letter dated 23.2.2016 was written by the University to the Principal of her College rejecting her prayer, that the

course can be completed within maximum period of four years. It is nowhere mentioned in that letter whether four years period has already expired or not. According to the petitioner, the period of four years had not expired by then because it would have expired in September, 2016 and had the petitioner been allowed to continue with her studies in terms of application made in September, 2015, she would have completed her course within the period of four years. It is, thus, submitted by the petitioner that the entire fault lies upon the University for not considering the application of the petitioner in time and rejecting it by passing a cryptic order on 23.2.2016. It is further submitted that the petitioner should not be allowed to suffer because of the delay on the part of the University and a direction may be issued to the University to allow the petitioner to conclude her course without raising the issue about the completion of the course within a period of four years.

(2) On the contrary, counsel for the respondent- University has submitted that the petitioner had to take permission from her employer before she could have been allowed to continue her studies. The petitioner did not produce evidence about the permission having been granted by her employer. It is also submitted that there is no delay on the part of the University as the application was decided expeditiously. It is also submitted that 70% attendance is compulsory to complete the course.

(3) I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is an error on the part of 2 of 4 the University. There is a casual approach on the part of the University in dealing with the application of the petitioner seeking permission to continue with the course because of which her precious time has been wasted. There is no dispute that the petitioner had joined the course in September, 2012 and cleared Ist Year Nursing in September, 2013. There is no dispute that she had taken admission in the 2nd Year Course of Nursing and deposited the requisite fee on 13.9.2013. There is also no dispute that the petitioner got employment as a Staff Nurse and discontinued her studies for two years i.e. upto the year 2015. Since she had already taken admission in the 2nd year of the M.Sc. Nursing, therefore, at the relevant time, she moved an application in September, 2015 to the University for seeking their permission to allow her to continue with her studies but the said application was not decided forthwith raising the objection of discontinuation of her studies rather the application was decided after a

period of four months on 23.2.2016, that too, intimating the Principal of the College where the petitioner was studying that her application is not accepted because she had to complete the Nursing Course within a period of maximum four years. It is also not mentioned in that letter (Annexure R1/1) that the period of four years had already expired. The letter (Annexure R1/1) is cryptic giving no reason except for referring to the Rules which require that the course has to be completed by the petitioner within a period of four year. It was at least expected of the University to have mentioned some facts about the case of the petitioner.

(4) Be that as it may, the fact remains that the University did not react to the application of the petitioner in time causing loss to her time and 3 of 4 then a stand has been taken that the petitioner is not eligible to continue with her studies because the course has to be completed within a period of four years. To my mind, the entire fault lies with the University in not considering the application of the petitioner in time and intimating her about any deficiency on her part in moving the application. Therefore, period of one year for the purpose of completing her course is extended and the University is directed to allow the petitioner to complete the course of M.Sc Nursing by considering the application, if it is found complete in all other aspects.

(5) Copy of this order be given to counsel for the parties under signatures of the Special Secretary of this Court.

Payel Mehta