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

**LPA-312-2017 (O&M)**

**Date of decision:13.05.2025**

Harsimran Kaur

....Appellant

V/s

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
**HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. B.S. Patwalia, Advocate and
Mr. Abhishek Masih, Advocate for the appellant.

Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab for respondent No.1.

Mr. Gautam Pathania, Advocate for respondent Nos.2 to 4.

Mr. Dinesh Kumar, Advocate and
Mr. Parminder Singla, Advocate for respondent No.5.

None for respondent No.6.

Mr. M.S. Longia, Advocate for respondent No.7.

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**SUMEET GOEL, JUDGE**

1. Taking exception to the judgment dated 20.02.2017 passed by the learned Single Judge (hereinafter referred to as the '*impugned judgment')* thereby dismissing the writ petition filed by the petitioner-appellant, this Intra Court Appeal (hereinafter referred to as the '*appeal in hand*') has been preferred by the appellant under Clause X of the Letters Patent Act.

The writ petition had been filed, primarily, laying challenge to the communication dated 02.02.2017, appended as Annexure P-11 with the writ petition, (hereinafter referred to as the '*impugned communication*') whereby the respondent No.3, finding the appellant ineligible for admission

to the BDS degree course (hereinafter referred to as the '*course in question')*, had directed her name to be struck-off from the roll of students.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated, thus:

(i) The appellant had passed 10+2 examination in the year 2015 and had secured 52, 43 and 54 marks in the subjects of Physics, Chemistry and Biology respectively (hereinafter referred to as '*PCB subjects*') and her percentage in these three subjects came to be 49.66%.

(ii) The appellant appeared in the NEET examination and her percentile score was 64.285451.

(iii) The appellant applied for the admission in the *course in question* with respondent No.2 and deposited the requisite fees. The appellant had been assigned respondent No.5 as the College in which she was to be admitted. At the time of actually taking such admission, the appellant had submitted all the documents which, as per her stand, were checked by the Selection Committee (respondent No.4 herein) and was, thereafter, accordingly admitted.

(iv) The appellant started attending the classes in the respondent No.5-College w.e.f. 01.10.2016. However, vide the *impugned communication*, the appellant was informed that, she being not eligible for admission to the *course in question,* her name was directed to be struck-off from the roll of students. The linch-pin of the action so undertaken is the Clause 6 of the notification dated 10.06.2016 (hereinafter referred to as the *'Clause 6 of 10.06.2016 notification')*, regulating admission to the *course in question,* which is reproduced herein below:

> *"6. Candidate must have passed in the subjects of Physics, Chemistry, Biology/Biotechnology and English individually and must have obtained a minimum of 50% marks (45% for Persons with Locomotor Disability of Lower Limbs and 40% for SC/BC) taken together in Physics, Chemistry and Biology/Biotechnology (PCB) in 10+2 examination or other equivalent examination of 10+2."*

(v) The appellant, aggrieved by the *impugned communication*, preferred a Civil Writ Petition under Articles 226/227 of the Constitution of India (CWP-3140-2017) before this Court which was dismissed by the learned Single Judge vide the *impugned judgment.* The edifice of rationale in the *impugned judgment* is that the appellant had secured 49.66% marks in *PCB subjects* whereas the minimum requirement therefor was 50% & there being no provision for rounding-off, the appellant was conclusively ineligible.

(vi) The appellant preferred the *appeal in hand* before this Court, wherein the following order was passed on 01.03.2017:

> *"Notice of motion for 7.7.2017.*
> *In the meantime, as an interim measure the appellant shall be permitted to continue her studies and cancellation of her candidature shall be kept in abeyance."*

(vii) Thereafter, on 05.12.2023, the following order was passed in the *appeal in hand*:

> *"Learned senior counsel for the appellant submits that vide interim order dated 01.03.2017 passed by this Court, the appellant, who got admission for BDS course in the academic session 2016-17, was permitted to continue her studies. Pursuant to the said interim order, the appellant has completed four years of her BDS course. However, since her final year result of BDS course has not been declared, therefore, she is not being admitted in practical internship programme of one year.*
>
> *After hearing learned counsel for the parties, keeping in view the fact that the appellant has completed her four years' BDS course,*

*respondents No.2, 3 and 4 are directed to declare her final year result of BDS course and admit her in the practical internship programme forthwith.*

*List on 25.04.2024."*

(viii) Thereafter, on 01.04.2025, the following order was passed in an application filed in the *appeal in hand*:

*"Since the learned counsel for respondents No.2 to 4 has not opposed the prayer made in the supra application, that the present applicant/appellant after successfully completing her BDS course as well as her internship, thus becomes entitled to be conferred/awarded with the espoused degree.*

*Consequently, the respondent concerned, is directed to, within a period of one week from today, issue/confer the espoused degree to the applicant/appellant.*

*Disposed of accordingly."*

(ix) It is in this factual backdrop that the *appeal in hand* has come up for receiving final consideration at the hands of this Court.

**Rival Submissions**

3. Learned counsel appearing for the appellant has argued that the appellant had secured 49.66% marks in the *PCB subjects* and, thus, she was eligible upon her being afforded the benefit of rounding-off as her marks would then be considered as 50%. Learned counsel has iterated that the rounding-off principle, sought to be invoked by the appellant, ought to be available to all the candidates as there is no specific stipulation in the extant regulations proscribing it.

Learned counsel has further urged that, in any case, the appellant has been earlier attending the classes in the respondent No.5-College since 01.10.2016 whereinafter her name was struck-off from the roll of students vide *impugned communication* and, thereafter, had attended

further classes vide interim order dated 01.03.2017 passed in the *appeal in hand*. Learned counsel has further iterated that, thereafter, the appellant has not only completed the *course in question* as also the requisite internship vide interim order dated 01.04.2025; this Court had directed for conferring the degree of *course in question* upon her. It has thus been exhorted that the admission and completion of *course in question* be regularized by this Court in exercise of its equitable jurisdiction.

On the strength of these submissions, the grant of *appeal in hand* is entreated for.

4. The *appeal in hand* has been opposed, primarily, by respondent Nos.2 to 4 (Baba Farid University of Health Sciences, Faridkot and its functionaries) and respondent No.7 (Dental Council of India). Espousing the stand of these respondents; learned counsel by relying upon *Clause 6 of 10.06.2016 notification,* have argued that the appellant did not fulfill the minimum eligibility criteria of 50% marks in *PCB subjects* in 10+2 examination and there being no provision for rounding-off the marks, the appellant was ineligible for admission to the *course in question.* Learned counsel has further urged that the allocation of seat/admission to the appellant was provisional in nature of its being, but of-course, subject to checking of the eligibility/verification of the original documents and hence such provisional admission would not create any right in her favour. Learned counsel has further iterated that the appellant ought to have been diligent while checking upon the eligibility criteria and hence cannot be extended any latitude, even in the realm of equity, on account of her own folly.

On strength of these submissions, dismissal of *appeal in hand* is sought for.

5. We have heard learned counsel for the rival parties and have perused the record.

**Prime Issue**

6. The prime issue that arises for cogitation is as to whether the *impugned communication* dated 02.02.2017, whereby the appellant was found to be ineligible & resultant direction(s) for striking-off her name from the roll of students for the *course in question,* is liable to be quashed.

**Analysis**

7. Before proceeding to dilate upon the rival contentions, a pertinent aspect of the *lis* in hand craves for rumination at this imperative stage.

It is common ground between learned counsel for the rival parties that as per the interim orders dated 01.03.2017, 05.12.2023 and 01.04.2025 passed in the appeal in hand; the appellant was permitted to continue her studies whereinafter she has even completed the *course in question* and her degree has also been directed to be conferred upon her.

8. At this juncture, it would be apposite to refer herein to a judgment passed by this Court in ***Simran Shakya vs. Government Medical College and Hospital, Sector 32, Chandigarh and another = 2025: PHHC:012822-DB***, relevant whereof reads as under:

> *"3. When the main writ petition was taken up for hearing today, it is the common ground of the rival parties that the petitioner has successfully completed the course in question i.e. MBBS. The issue which needs consideration, at this juncture, is as to whether and in what manner a subsequent event (that the petitioner has successfully completed course in*

*question) after the institution of the present writ petition is required to be delved into. A three Judge Bench of the Hon'ble Supreme Court in a case titled as* ***Pasupuleti Venkateshwarlu vs. The Motor and General Traders AIR 1975 SUPREME COURT 1409;*** *has held as under:*

*"4. xxxxxxxxxxxxx. First about the jurisdiction and propriety vis. a vis. circumstances which come into being Subsequent to the commencement of the proceedings. It is basic to our processual jurisprudence that the right to relief must be judged to exist as on the date a suitor institutes the legal proceeding. Equally clear is the principle that procedure is the handmaid and not the mistress of the judicial process. If a fact, arising after the lis has come to court and has a fundamental impact on the right to relief for the manner of moulding it, is brought diligently to the notice of the tribunal, it cannot blink at it or be blind to events which stultify or render inept the decrotal remedy. Equity justifies bending the rules of procedure, where no specific provision or fairplay is violated, with a view to promote substantial justice--subject, of course, to the absence of other disentitling (actors or just circumstances. Nor can we contemplate any limitation on this power to take note of updated facts to confine it to the trial Court. If the litigation pends, the power exists, absent other special circumstances repelling resort to that course in law or justice. Rulings on this point are legion, even as situations for applications of this equitable rule are myraid. We affirm the proposition that for making the right or remedy claimed by the party just and meaningful as also legally and factually in accord with the current realities, the court can, and in many cases must, take cautious cognizance of events and developments subsequent to the institution of the proceeding provided the rules of fairness to both sides are scrupulously obeyed. xxxxxxxxxxxxx"*

*Further, a Five Judge Bench of the Hon'ble Supreme Court in a case titled as* ***State of Maharashtra vs. Milind AIR 2001 SUPREME COURT 393,*** *dealing with somewhat similar set of facts as are in the present case, has held as under:*

*"31. Respondent no. 1 joined the medical course for the year 1985- 86. Almost 15 years have passed by now. We are told he has already completed the course and may be he is practicing as doctor. In this view and at this length of time it is for nobody's benefit to annul his Admission. Huge amount is spent on each candidate for completion of medical course. No doubt, one Scheduled Tribe candidate was deprived of joining medical course by the admission given to respondent no. 1. If any action is taken against respondent no. 1, it may lead depriving the service of a doctor to the society on whom public money has already been spent. xxxxxxxxxxxxx"*

*4. As noted hereinabove, it is not in dispute that the petitioner has successfully completed her MBBS degree course, though on the basis of interim protection afforded to her by this Court. There is no allegation of any fraudulent or misleading practice having been undertaken by the petitioner. The respondent No.2, whose admission was affected on account of the petitioner having been granted admission to the course in question, was also protected by this Court in CWP-18187-2016 & it is not disputed by the learned rival counsel that she (respondent No.2) has also completed the course-in-question successfully. At this juncture, it will yield no result(s) for anyone if the petitioner's qualification/admission is rescinded in anyway. It will be universally futile in case the petitioner is not permitted to reap the benefit of her having completed her MBBS degree course; even the Society would be deprived of the service(s) of a qualified doctor for which scarce resources of a public-funded medical institution have been utilized. It would be a waste of the training, time, efforts of the faculty and other resources in the medical institution; as well as it will adversely affect the life of the petitioner, if she were not allowed to undertake the profession for which she has been declared qualified. It will bring no gain rather will have no effect at all, to the respondent No.2; if the petitioner is denied her qualification. In essence, it would be unproductive for the Society at large to deny medical practice based on her qualification to the petitioner."*

8.1. Further, in a judgment titled as ***Jasmeen Kaur vs. State of Punjab and others = 2025: PHHC:022697,*** this Court has held as under:

*"In general terms; Equity is a notion of fairness, impartiality and even-handed dealing. Osborne considered equity as fairness and related it with natural justice. For Aristotle, equity is a correction of the law, where the law is defective owing to its universality. The term "Equity" originates from the Roman term "aequitas", suggesting the idea of equality, equilibrium, and proportion. The writ jurisdiction of a High Court, as enshrined under Article 226/227 of the Constitution of India, is not confined to the rigid contours of legalistic adjudication but extends to the realm of equity, ensuring that the justice is dispensed in its truest and fairest form. The court, while exercising its extraordinary jurisdiction, does not merely function as a mechanical arbiter of legal principles but also as a custodian of justice, obligated to prevent manifest injustice, even in the cases, where strict legal norms may appear adverse to the petitioner. The doctrine of equity, which serves to temper the rigidity of*

*the law, mandates judicial intervention to prevent an inequitable outcome. Equity, while operating within the framework of the law, does not permit legal provisions to be enforced in a manner that results in undue hardship, oppression, or disproportionate consequences. The purpose of legal norms is to uphold fairness, not to be applied mechanically to defeat substantial justice. Where a party, albeit initially ineligible, has acted in good faith and without any fraudulent intent, and where no overriding public interest is adversely affected, equity demands that the individual should not be subjected to disproportionate hardship solely on the basis of a technical defect at the inception. Furthermore, legal principles must be applied in a manner that align with the objectives of justice and fairness. The writ Court, as the guardian of justice, must ensure that legal procedures are not used as instruments of rigidity, but rather as vehicles for advancing fairness and mitigating undue hardship. Thus, in circumstances where a litigant has, in good faith, undertaken significant commitments based on a reasonable expectation of progression, equity mandates a balanced approach that upholds the substantive ends of justice while avoiding an unduly harsh application of the law. Judicial intervention is warranted where a litigant has acted in good faith and where allowing strict compliance with technical requirements would result in unwarranted hardship. The maxim actus curiae neminem gravabit (an act of the court shall prejudice no one) applies herein with complete vigour, reinforcing the salutary principle that the writ court should not allow its process to be employed in a manner that defeats substantive justice. A rigid application of rules should not undermine the broader principles of fairness and justice. The doctrine of proportionality, another cornerstone of judicial review, necessitates that the adverse impact on the petitioner must be weighed against the broader objectives of the regulatory framework. Ergo, in the exercise of its equitable jurisdiction, the writ Court must not render decision(s) that results in punitive detriment to the litigant, especially when no fraud, misrepresentation, or malafide intent is attributable to such litigant. The writ Court must desist from taking a hyper-technical view that subverts substantive justice. Instead, a holistic approach, ensuring that equity and good conscience prevail, must be the guiding beacon in the adjudication of such matters. The writ jurisdiction must, thus, be wielded as an instrument of justice rather than an inflexible adjudicatory tool, bound by pedantic legal formalities."*

*Re: Actus Curiae Neminem Gravabit*

9. The age old maxim of *Actus Curiae Neminem Gravabit,* by way of literal translation, means "*an act of the Court shall prejudice no one*". This principle, in essence, embodies the cardinal principle that no litigant should suffer due to an error or lapse on the part of the Court. At this juncture, it would be germane to refer to the relevant case law(s) which has delved into this principle, which read thus:

(i) A three Judge Bench of the Hon'ble Supreme Court in the judgment titled as ***Jang Singh vs. Brij Lal and another***, **1966 AIR 1631** has held as under:

> *"6. xxx xxx xxx xxx xxx*
>
> *xxx xxx xxx. There is no higher principle for the guidance of the Court than the one that no act of Courts should harm a litigant and it is the bounden duty of Courts to see that if a person is harmed by a mistake of the Court he should be restored to the position he would have occupied but for that mistake. This is aptly summed up in the maxim:*
>
> ***"Actus curiae neminem gravabit"***.
>
> *xxx xxx xxx xxx xxx*
>
> *xxx xxx xxx xxx xxx*
>
> *8. xxx xxx xxx xxx xxx*
>
> *xxx xxx xxx. In view of the mistake of the Court which needs to be righted the parties are relegated to the position they occupied on January 6, 1958, when the error was committed by the Court which error is being rectified by us nunc pro tunc."*

(ii) The Hon'ble Supreme Court in a judgment titled as ***Budhia Swain and others vs. Gopinath Deb and others AIR 1999 SUPREME COURT 2089,*** has held as under:

> *"8. In our opinion a tribunal or a court may recall an order earlier made by it if (i) the proceedings culminating into an order suffer from the inherent lack of jurisdiction and such lack of jurisdiction is patent, (ii) there exists fraud or collusion in obtaining the judgment, (iii) there has been a mistake of the court prejudicing a party or (iv) a*

*judgment was rendered in ignorance of the fact that a necessary party had not been served at all or had died and the estate was not represented. The power to recall a judgment will not be exercised when the ground for re-opening the proceedings or vacating the judgment was available to be pleaded in the original action but was not done or where a proper remedy in some other proceeding such as by way of appeal or revision was available but was not availed. The right to seek vacation of a judgment may be lost by waiver, estoppel or acquiescence."*

(iii) Further, the Hon'ble Supreme Court in a judgment tiled as ***Bhupinder Singh vs. Unitech Limited***, ***2023 LiveLaw(SC) 263 = Neutral Citation No.2023 INSC 283***, been held as under:

*"5.2 As per the settled position of law, the act of the Court shall prejudice no one and in such a fact situation, the Court is under an obligation to undo the wrong done to a party by the act of the Court. The maxim* ***actus curiae neminem gravabit*** *shall be applicable. xxxxxxxxxxxxxxxxx."*

(iv) A three Judge Bench of the Hon'ble Supreme in the case of ***Greater Noida Industrial Development Authority vs. Prabhjit Singh Soni & anr., 2024 INSC 102,***has reiterated the ratio decidendi in the case of ***Budhia Swain*** (supra) and has held as under:

*"48. The law which emerges from the decisions above is that a Tribunal or a Court is invested with such ancillary or incidental powers as may be necessary to discharge its functions effectively for the purpose of doing justice between the parties and, in absence of a statutory prohibition, in an appropriate case, it can recall its order in exercise of such ancillary or incidental powers."*

(v) More recently, the Hon'ble Supreme Court in the case of ***Zaid Sheikh vs. The State of Madhya Pradesh and others, 2025 INSC 353;*** while considering the application of the principle of *Actus Curiae Neminem*

*Gravabit,* in the realm of provisional admission to an educational degree course by an interim Court order, has held as under:

> *"8. Though, the interim order granted by the High Court on 30.10.2012 recorded that the appellant would not be entitled to claim equities, the fact that he was permitted to complete the entire course and had also finished part of his mandatory internship ought not to have been brushed aside lightly. Be it noted that the appellant had put in nearly 6 years by then in pursuing B.A.M.S. Degree Course and the end result of the High Court's order was to decimate his entire labour of all those years. An act of the Court should, ordinarily, not prejudice anyone (Actus curiae neminem gravabit). This is a fundamental principle of justice, but it was disregarded by the High Court while considering the case of the appellant. In any event, the appellant's so-called ineligibility, which was not essential in the context of the course that he had taken, was cured by him thereafter owing to the liberty given by the College itself while provisionally admitting him to the course in September, 2012. Given these peculiar facts, we are of the opinion that this is a fit case for interference so that the appellant is not left out in the cold after completing almost the entire course."*

9.1. The principle of *Actus Curiae Neminem Gravabit;* when perused in light of the *dicta* of the judgments of the Hon'ble Supreme Court in the cases of ***Jang Singh*** (supra) and ***Bhupinder Singh*** (supra) clearly exhibit that there is no higher principle for the guidance of the Courts than the one that no act of the Courts should harm a litigant and that it is the bounden duty of the Courts to see to it that if a person is harmed by a mistake of the Court then such a person should be restored to the position that the person would have occupied but for that mistake. The Hon'ble Supreme Court in the judgment of ***Budhia Swain*** (supra), which has been reiterated in three Judges Bench judgment of ***Prabhjit Singh Soni*** (supra), has categorically held that the Court is entitled as also duty bound to recall

an order, to the extent, that there had been a mistake of the Court which has caused prejudice to the litigant. Accordingly, it is an inexorable posit that this principle is founded upon the justice and good sense which serves a safe and certain guidance for the administration of law, as also of the justice.

In the hallowed halls of justice, it is a cardinal principle that no litigant ought to suffer a detriment owing to the vicissitudes of judicial delay. While the machinery of justice is designed to function with diligence and dispatch, practical realities — such as an inundated docket, administrative constraints, or systemic inertia — may, on occasion, impede the timely adjudication of disputes. In such instances, where the delay in the resolution of the *lis* is attributable to no fault of the litigant, the Court must tread with circumspection to ensure that justice is not only done but manifestly seen to be done. It is here that the enduring legal maxim, namely, ***actus curiae neminem gravabit*** assumes paramount importance. This venerable precept enshrines the sacrosanct doctrine that no party should suffer because of the fault or delay of the Court. Where judicial proceedings have been protracted not by the inaction or negligence of a litigant, but rather due to institutional delays beyond the party's control, the judiciary ought to adopt a corrective, rather than punitive stance.

To put it differently, for instance, an interim relief is granted by a writ Court in favour of a litigant — be it in the form of a stay order, an injunction, or the temporary enjoyment of a right or entitlement — pending final adjudication. If, owing to systemic delays, the final determination of the matter is deferred over an inordinate length of time, the litigant must not, upon disposal, be divested of the benefit that had accrued during the

interregnum. To do so would tantamount to a grave miscarriage of justice and an unwarranted forfeiture of rights, lawfully bestowed during the pendency of the matter. The writ Courts are not merely passive arbiters but active guardian of equitable dispensation. It is duty-bound to obviate the possibility of a litigant being rendered remediless on account of procedural inertia. To adopt any contrary view would embolden a jurisprudence of attrition, wherein the mere passage of time, *albeit* unintended, could operate to the prejudice of one who has approached the Court in good faith and in pursuit of legitimate relief. It would be wholly repugnant to the foundational tenets of equity and fair play, if the delay, not solely occasioned by the parties, but attributable to the judicial process as well, were to result in forfeiture of rights or cause irreparable detriment. The Court, therefore, bears a solemn duty to ensure that interim protections — granted to preserve the substratum of justice — do not lapse into otiosity or become illusory by reason of judicial delay. The *dicta* of the enunciation by the Hon'ble Supreme Court in case of ***Zaid Sheikh*** (supra) endorses this fundamental canon of our jurisprudence. This is especially imperative in cases, where such interim relief has matured into a *de facto* entitlement, the withdrawal of which by way of the final order would be akin to stripping armour from a soldier mid-battle, after having led him onto the battle field under its shield.

10. Now this Court reverts to the facts of the *appeal in hand* to adjudicate thereupon.

Considering that, pursuant to the interim orders dated 01.03.2017, 05.12.2023 and 01.04.2025 earlier passed by this Court in the appeal in hand, the appellant has successfully passed the *course in question*

including receiving degree therefor & there being no material *nay* tangible material coming forth regarding any fraudulent practice adopted by the appellant and her having secured 49.66% in *PCB subjects* vis-a-vis requirement of 50% mark in *PCB subjects;* this Court finds that it would be manifestly unjust as also inequitable to annul or invalidate such an admission at this belated stage. The principles of equity & justice weigh heavily against such a course of action, as it would inflict irreparable hardship and substantial prejudice upon the appellant, who has acted in good faith, throughout. Moreso, the appellant's admission was effected against a seat that remained vacant, thereby occasioning no detriment to the rights or legitimate expectations of any other aspirant(s). This circumstance accumulates further significance, as it reinforces the absence of any encroachment upon the entitlements of third parties and negates the presence of any competing claim(s). The settled position of law militates against unsettling a *status* quo that has endured over a significant period, especially where the equities so palpably favour the appellant. In light of the foregoing, the invocation of equitable jurisdiction is not only warranted but imperative, so as to prevent a grave miscarriage of justice. *Ergo,* in the distinctively peculiar and accentuating factual matrix of the case in hand, this Court is persuaded to exercise its equitable discretion and deems it appropriate to regularize the admission of the appellant to the *course in question* so as to ensure that substantive justice prevails over mere procedural technicalities. The question; as to whether a candidate is entitled to rounding-off his/her marks in an entrance/competitive exam (as in the present case i.e. the

appellant seeking rounding-off of her marks from 49.66% in *PCB subjects* to 50%); is left open *albeit* to be adjudicated upon in a more appropriate case.

**Decision**

11. In view of the preceding ratiocination, the *appeal in hand* is disposed off in the following terms:

(i) The *impugned judgment* dated 20.02.2017 passed by the learned Single Judge in CWP-3140-2017 is set-aside; the *impugned communication* dated 02.02.2017 (Annexure P-11) is quashed and the admission of the appellant as also subsequent incidental events arising therefrom are directed to be regularized. The respondents are mandated to undertake, forthwith, the requisite consequential steps accordingly.

(ii) The *ratio decidendi* of the *appeal in hand* shall not be considered as precedent as the same has been passed in its individualistic, peculiar and accentuating factual milieu.

(iii) No order as to costs.

**(SUMEET GOEL)**
**JUDGE**

**(SHEEL NAGU)**
**CHIEF JUSTICE**

May 13, 2025
*Ajay*

Whether speaking/reasoned: Yes
Whether reportable: Yes