

(2010) 04 P&H CK 0106
In the Punjab And Haryana At Chandigarh

Amanpreet Singh Vohra and Another	APPELLANT
Vs	
Guru Nanak Dev University and Another	RESPONDENT

Date of Decision : 30-04-2010

Acts Referred:

Citation : (2010) 04 P&H CK 0106

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—All these petitions are being disposed of by this common order as the facts and questions of law in all these petitions, are identical.

2. All the petitioners in these petitions are the students of undergraduate course like, Bachelor of Technology (Computer Science and Engineering), Bachelor of Architecture, Degree Programme in the Faculties of Applied Sciences, Engineering and Technology and Physical Planning and Architecture. They were admitted to the course in the year 2005. At the relevant time, they were governed by the Ordinances framed by the University for promotion from one semester to another semester. Later carry on system was introduced by University and students having reappears were rendered ineligible for promotion to some semesters.

3. This issue has been decided by this Court in Civil Writ Petition in CWP No. 8583 of 2009 (Samriti Sharma and Ors. v. Guru Nanak Dev University and Anr.) and other connected matters, decided on 08.04.2010, wherein the following directions are given:

Even though the carry on system under challenge in the present writ petitions deserves no interference in view of the law laid down by the Apex Court in Punjab University v. Subhash Chander and Anr. and Punjab University Chandigarh v. Devjani Chakrabarti and Ors. (supra), nor it can be said that the decision to introduce carry on system mid course is retrospective in operation. However, the fact remains that the University in its wisdom chose to grant special

chance to ineligible candidates for clearing first and second semester examinations and were also granted admission to 7th and 8th semesters without clearing the backlog papers. This decision has been applied selectively and not uniformly. This action of the University is impermissible in law and is an arbitrary exercise of power, deserves no appreciation. The University as an Institution has to act in a non-arbitrary manner providing equal opportunity to all. The Action of the University do not suggest so. Some of the similarly situated candidates have been granted the benefit of special chance and admissions to the higher semesters despite their ineligibility under the carry on system, whereas others have been denied similar relief.

In view of the above circumstances, the petitioners cannot be treated differently and with hostility. They shall also be entitled to the special chance granted to other similarly situated students for clearing the papers of first and second semesters on uniform pattern. Their right to admission to 7th/8th semesters, respectively, cannot be denied to them. These petitioners are, accordingly, allowed in the following manner:

- i) Such of the petitioners who have not availed special chance for clearing first and second semesters reappear, will be provided special chance for the purpose;
- ii) admissions granted to the petitioners to 7th/8th semesters under the interim orders of this Court, shall stand regularised;
- iii) result of the petitioners who have appeared in 7th/8th semesters examinations, shall be declared;
- iv) those who have been denied admissions in 7th/8th semesters on account of non-clearance of second/third semesters examinations, shall be granted admission to 7th/8th semesters, as the case may be, and on completion of the course, their result shall be declared;
- v) this relaxation shall be available to all students who have reached 7th/8th semesters upto academic session 2009-2010 or till such time the decision of the University taken vide letter No. 1737-DAA dated 01.08.2008, shall remain in operation. It is, however, open to the University to uniformly apply the carry on system to all the disciplines covered by carry on system by properly notifying to the students.

4. The petitioners being similarly placed are entitled to same relief. Disposed of in terms of above directions.

5. A copy of this order be placed on the record of connected file.