
(1989) 02 P&H CK 0050
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 9357 of 1988

Harkirat Singh

APPELLANT

Vs

Punjab Agricultural University, Ludhiana and Another

RESPONDENT

Date of Decision : 28-02-1989

Acts Referred:

Punjab Agricultural University Act, 1961 — Section 31

Citation : AIR 1989 P&H 332

Hon'ble Judges : Amrit Lal Bahri, J

Bench : Single Bench

Advocate : Jawahar Lal Gupta and T.S. Bagga, for the Appellant; Jagdish Singh Khehar, for the Respondent

Final Decision : Allowed

Judgement

A.L. Bahri, J.—Harkirat Singh, the petitioner in this petition filed under Arts. 226 and 227 of the Constitution, prays for a writ of certiorari for quashing order dated February 12, 1988, copy Annexure P. 3 attached with the writ petition. Vide this order, the petitioner was dropped from the University in accordance with Rule 7.64(b) of the Trimester Rules as he had failed to achieve the overall grade points average of 1.50 at the end of three trimesters.

2. Harkirat Singh took admission to Four Years Bachelor of Veterinary Science and Animal Husbandry Degree Course of the Punjab Agricultural University, Ludhiana in the year 1986-87. He was registered for three trimesters meant for First Year Course and thereafter he was registered for the first trimester meant for the Second Year of 1987-88. Result Cards of Trimesters were produced as Annexures P. 1 and P. 2. The petitioner completed four trimesters when on February 12, 1988 order, copy Annexure P. 3, was served upon him. There was no Third Trimester Examination and instead Summer Session Examination was held. There was disturbance in the University Campus. There were other incidents. The mother of the petitioner was suffering from heart disease and was under treatment in the hospital. Because of these factors, the petitioner was

unable to secure overall average which was requisite. During the course of First Trimester of 1987-88 Session, the paper was snatched from the Instructor. It was difficult paper and only seven days were provided to the students for this examination. The petitioner, who was at his ancestral village, got a letter from the Dean of the University dated January 24, 1988 to take up the examination scheduled to be held for such a paper. Annexure P. 4 is the copy of the said letter. The petitioner had done his paper of the subject earlier very well. However, he could not afterwards prepare for the same and could muster only "D" Grade and the credit hours were three. If he had achieved "A" or "B" Grade, he would have completed 1.50 average of overall grade points and would not have been dropped. He asked for lenient view to be taken by the University. Earlier in the year 1982, some lenient view was taken in the matter of overall grade points average which decision was in Civil Writ Petn. No. 3508 of 1982 (Jatinder Saini v. The Punjab Agricultural University etc.) Some of the students then were allowed another chance to improve their grade point average. The writ petition was allowed by I.S. Tiwana J. on November 3, 1982. Copy of the judgment is Annexure P. 5. In that case, Jatinder Saini had overall grade points average 1.37 whereas the petitioner was having 1.39. His mercy petition was sent to the Governor of Punjab, copy Annexure P. 6, which was declined on August 5, 1988, copy of the order is Annexure P. 7. On different grounds, his dropping of from the University was challenged by the petitioner in this writ petition.

3. On behalf of the University and the Dean, written statement was filed by the Registrar. The petitioner was student of B.V.Sc. and A.H., Four Years Programme. During the year 1986-87, he registered himself for two trimesters and Summer Session and not three trimesters as stated. Summer Session could not be treated as a third trimester and its result is not counted for the purposes of dropping of students under Rule 7.64(b) of the Trimester Rules. The Third Trimester Examination which was initially cancelled was followed by First Trimester Examination of 1987-88. Its result was declared after the result of the Summer Session of 1986-87. The result of applicability of Rule 7.64(b) had to be delayed till the declaration of the result of three trimesters (that is at the end of the first trimester of 1987-88). Reference was made to certain rules which would be noticed hereafter. The performance of the petitioner at the end of the trimesters was indicated in the reply which, is as under : --

" the end of trimester

Over ll Gr depoint ver ge

Rem rks.

1st trimester, 1986-87

0:94(4.00 b sis)

Filed nd pl ced onschol stic prob tion.

2nd trimester, 1986-87

1.14(4.00 b sis)

-do-

3rd trimester, 1986-87

Cancelled

Summer Session, 1986-87

1.08(4.80 b sis)

Filed nd pl ced onschol stic prob tion.tion.

1st trimester, 1987-88

1.44(4.00 b sis)

Dropped underrule 7.64 (b) of theTrimester Rules."

4. The petitioner was not able to achieve the minimum overall grade point average of 1.50 at the end of three trimesters of his study and he was dropped. The validity of Rule 7.64(b) of the Trimester Rules was upheld by the High Court in two writ petitions (Miss Baljit Kaur v. Punjab Agricultural University C. W. P. No. 5610 of 1982 decided by I. S. Tiwana J. on January 10, 1983, Mukhtiar Ahmad v. Punjab Agricultural University, C.W.P. No. 6060 of 1987 decided on November 26, 1987). The Academic Council in the meeting held on May 15, 1987 cancelled the third trimester of the Academic Year 1986-87 and approved the holding of Summer Session for others. The Summer Session was not a trimester and was not to be counted for purposes of dropping of students. In this manner, the petitioner completed the study of his three trimesters at the end of first trimester of 1987-88 and not during the Academic Year 1986-87. It was admitted that the Academic Council in the meeting held on January 25, 1988 decided to hold examination in the Course V. A. H. 101 afresh on February 5, 1988. The petitioner was asked to appear in the examination. Other allegations were denied.

5. The Prospectus issued by the University for the year 1987-88 contains the relevant trimester rules. Rule 1.1 shows that the academic year will be from August to July. It would be divided into three trimesters of 14 weeks each and a Summer Session of 6 weeks. The trimester calendar for each academic year is to be issued by the Registrar's office. The grading is done at the end of each trimester as provided under rule 6.12. The significance of grading is given under rule 6.13. For undergraduates, the grading is provided as under :--

"For Undergraduate ----- A 4 Excellent B 3 Good C 2 Fair D 1 Pass but not Satisfactory F 0 Fail I ... Incomplete S ... Satisfactory US ... Unsatisfactory W ... Withdrawn NC ... Non-Credit Course"

6. The undergraduate students are required to get a minimum grade of "D" to

complete the Course. If a person gets "F grading, that is he fails, he is required to repeat that Course in the subsequent trimester as mentioned in rule 6.132. The minimum residential requirement for Bachelor's Degree Programme is six trimesters as provided under rule 7.2. In an Undergraduate Programme, a student is to be allowed to register for six more trimesters after the normal duration of programme of training. Rule 7.51 provides for Undergraduates Programme. The normal full time programme of work in a trimester has 18 credit hours. A maximum of 24 and a minimum of 12 credit hours may be taken by a student. In the Summer Session, there would be no minimum but the maximum limit shall be 12 credit hours. Rules 7.61, 7.62 and 7.64 read as under : --

"7.61 Requirement of GOOD STANDING for Graduation.

The minimum overall grade point average requirements at the Undergraduate level shall be 2.00 (4.00 basis) provided that the student must have taken minimum of 36 and 72 credit hours of courses at the end of 3rd and 6th trimester respectively. The minimum overall grade point average required at the Postgraduate level shall be 3.00 (4.00 basis). A student who has achieved this minimum requirement shall be deemed to be on GOOD STANDING.

7.62 Scholastic Probation

If a student fails at the end of a trimester to achieve the minimum standard prescribed under Rule 7.61 above, he shall be placed on SCHOLASTIC PROBATION during the trimester immediately following.

7.64 Dropping a student or Extension of the period of Scholastic Probation.

(a) If a student other than covered in Sub-rule (b) who remained on Scholastic Probation during a trimester fails to achieve the minimum required Overall Grade Point Average at the end of that trimester also, the Registrar shall bring it to the notice of the Dean who shall order whether the student is to be allowed to continue on Scholastic Probation for one more trimester or whether he is to be dropped from the University. On receipt of the Dean decision the Registrar shall take action accordingly. A student thus dropped shall have the right to petition for re-admission.

Provided that no student shall be dropped from the University in the undergraduate programme if the student has completed two full academic years (6 trimesters registered). This rule is subject to the provisions of Rule 7.2.

7.64(b)

Those undergraduate students who fail to achieve the Overall Grade Point Average specified below and/or also fail to take ,a minimum of 36 and 72 credit hours of courses at the end of the 3 trimesters or 6 trimesters shall be dropped from the University by the Registrar automatically and such students shall have no right to petition for re-admission.

Ag. Engg. & B.Sc. (Hons.)

Other Programmes

At the end of 3rd trimester

1.75

1.50

At the end of 6th trimester

1.90

1.75

"Those students of B.Sc. (Home Science) 3 year programme, who fail to achieve the overall grade point average of 1.50 and/or also fail to take a minimum of 36 credit hours of courses at the end of the three trimesters shall be dropped from the University by the Registrar automatically, and such students shall have no right to petition for re-admission."

It is the interpretation of the aforesaid rules that would affect the result of this writ petition. The minimum grade point average requirement for undergraduate course for good standing as provided under rule 7.61 is 2.00 (4.00 basis) provided the student had taken minimum of 36 and 72 credit hours of course at the end of 3rd and 6th trimester respectively. This would show that at the end of 3rd trimester, if the student had to his credit 36 credit hours and also had overall grade point average of 2.00, he would get good standing. Rule 7.62 talks of achieving minimum standard as provided under Rule 7.61 referred to above and if the student fails to achieve the same, he is to be placed on scholastic probation during the trimester immediately following. This rule specifically talks of result of a trimester examination meaning thereby that at the end of each trimester examination, the student is required to have minimum overall grade point average of 2.00. If he fails to achieve the same, he would be joining the trimester immediately following, that is the next trimester but would be on probation that is in the immediately following trimester, he is to show overall grade point average of 2.00. A person getting grade "D" can repeat the very course with the prior permission of the Dean as provided under Rule 7.63. Grade "D" means one point that is pass but not satisfactory. However, a person on probation who also joins the trimester immediately following can be dropped under Rule 7.64, if he fails to achieve the minimum required overall grade point average at the end of the trimester also. However, the matter can be brought to the notice of the Dean by the Registrar and the student can be allowed to continue on scholastic probation for one more trimester or he can be dropped. This rule further provides that no student shall be dropped from the University in the Undergraduate Programme if he had completed two full academic years that is six trimesters and further this rule is subject to the provisions of Rule 7.2.

7. It is Rule 7.64(b) which is most relevant for the purposes of this writ petition which has been reproduced above, This provides first category where a student

fails to achieve overall grade point average in case of undergraduate at the end of third trimester which is 1.50 and/or he failed to take a minimum of 36 credit hours of course at the end of three trimesters and (3) 72 credit hours of course at the end of six trimesters. Such students shall be deemed to have been dropped from the University. The last category of taking 72 credit hours is not attracted to the case in hand as the petitioner has not completed six trimesters as yet. The contention of counsel for the petitioner is that it is only at the end of the third trimester that if a student fails to achieve overall grade point average of 1.50 that he is to be dropped. Since there was no third trimester examination held and the petitioner was allowed to join first trimester of 1987-88 Course, he could not be dropped before the end of the sixth trimester. Whereas the contention of counsel for the University is that since Summer Session was not to be treated as a trimester examination, the same is to be ignored and overall grade point average for three trimesters is to be taken into consideration and if the student fails to achieve overall grade point average of 1.50, the student is to be dropped. The case of the petitioner falls in this category. Thus, the question for determination is as to whether overall grade point average of 1.50 is to be considered at the end of third trimester or at the end of any three trimesters. The words "at the end of the three trimesters or six trimesters" as mentioned in Rule 7.64(b) as reproduced above are not to be read along with overall grade point average. The words "and/or" make it abundantly clear that the subsequent clause of taking into consideration 36 and 72 credit hours of Courses are to be counted at the end of the three trimesters or six trimesters. As far as achieving of overall grade point average is concerned, that has to be seen at the end of third trimester at 1.50 and at the end of sixth trimester at 1.75 as these words are to be read in continuation of overall grade point average as mentioned in Rule 7.64(b). This is indicative of the words specified below :

"coming after overall grade point average."

8. If, for certain reasons, there was no Third Trimester Examination held by the University, the students are not to suffer on that account. In that eventuality, it can be said that no result would be prepared at the end of third trimester and finally result would be seen at the end of sixth trimester as to whether a student having failed to achieve the requisite overall grade point average is to be dropped or not. That being the position, the petitioner, who was allowed to join first trimester of 1987-88 (fourth trimester), could not be dropped for not securing overall grade point average of 1.50 in the three trimesters, that is two trimesters of Session 1986-87 and one trimester of Session 1987-88.

9. For the reasons recorded, above, this writ petition is allowed quashing order of the University, copy Annexure P.3, whereby the petitioner was ordered to be dropped from the University. The petitioner will get costs. Counsel's fee Rs. 1,000/-.