
(2006) 08 P&H CK 0385
In the Punjab And Haryana At Chandigarh

Kabir Kishan and Another

APPELLANT

Vs

Punjab Technical University and Another

RESPONDENT

Date of Decision : 25-08-2006

Acts Referred:

Citation : (2006) 08 P&H CK 0385

Hon'ble Judges : Viney Mittal, J;H.S. Bhalla, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Viney Mittal, J.—This judgment shall dispose of three Civil Writ Petitions being C.W.Ps. No. 9003, 10656 and 11058 of 2006 as similar facts and common questions of law are involved in all the three petitions. For the sake of convenience the facts are borrowed from C.W.P. No. 11058 of 2006.

2. The petitioners having completed their 10+2 examination appeared in the entrance examination conducted by Punjab Technical University, Jalandhar, respondent No. 1, for admission to the Bachelor of Engineering Course in various Colleges affiliated with the university. The petitioners were declared successful in the aforesaid entrance examination and were admitted to B.E.(Mechanical) Course in Shaheed Bhagat Singh Engineering & Technical College, Ferozepur, respondent No. 2. The petitioners completed their first semester course and appeared for the 2nd semester examination. They were placed in re-appear in certain subjects in the 2nd semester examination. In the meantime, the petitioners had completed their 5th semester and were required to be registered for 6th semester. However, on account of the fact that they were having re-appear in some subjects in their 2nd semester examination, they were not eligible for their registration in the 6th semester unless they had cleared all the papers of the 2nd semester. The petitioners consequently appeared in their re-appear examination held by the respondent-University in December, 2005. It appears that in the meantime, the petitioners were assigned to various Companies for their industrial training, as the 6th semester did not involve any

class room teaching but merely involved industrial training. The result of the re-appear examination was declared by the respondent-University in March, 2006. However, the result of the petitioners was not so declared at that point of time. The result of the petitioners of their re-appear examination was declared by the respondent-University on May 9,2006 and the petitioners were communicated of the aforesaid result on May 12,2006. After having cleared all the subjects of the 2nd semester examination, the petitioners requested the respondent-University to register them for their 6th semester examination and also admit them in the 7th semester course. The respondent-University did not allow the petitioner to be so registered for the 6th semester course and did not permit them admission to the 7th semester course, therefore, the petitioners have approached This Court through the present petition. Vide an interim order dated July 28,2006, the petitioners were permitted to be provisionally admitted to the 7th semester course of the Mechanical Engineering in the respondent-College.

3. Shri Anupam Gupta, learned Counsel appearing for the respondent-University has contested the claim of the petitioners. It has been maintained that since after the declaration of the result of the petitioners on May 9,2006, the petitioners would not be able to complete their lectures for the 6th semester course, therefore, the petitioners were not entitled to be registered in the 6th semester nor were entitled to their admission in the 7th semester.

4. Dr. Balram K. Gupta, learned senior counsel appearing for the petitioners has, however, informed the court, on the basis of the specific pleadings contained in the petition, that the 6th semester course did not involve any class room teaching but comprises of industrial training only. On that basis, learned senior counsel has argued that the petitioners had already received their industrial training from various companies and, as such, there was no question of any shortage of lectures or deficiency in class room teaching in the 6th semester course.

5. Arguments in this case were partly heard on August 24, 2006, when learned senior counsel for the petitioners had raised the aforesaid contention. Shri Anupam Gupta, learned Counsel appearing for the respondent-University had sought time to verify the factual position in this regard.

6. Today, at the time of commencement of the argument, Shri Anupam Gupta, learned Counsel appearing for the respondent- University has very fairly informed the court that the factual statement made on behalf of the petitioners with regard to the 6th semester course comprising of only industrial training, is correct. In view of the aforesaid factual back ground and also keeping in view the fact that University had declared the result of the re-appear examination of the petitioners on May 9,2006 and the petitioners were not at fault, in any manner, when the result of the other students of the aforesaid examination had been declared in March 2006, we are satisfied that the claim of the petitioners deserves to be accepted. It is not in dispute that the 6th semester course pursued by the petitioners did not involve any class room teaching but comprises

of industrial training only. The petitioners had already undergone the aforesaid industrial training. As noticed above, vide an interim order, the petitioners were also permitted to be admitted provisionally to the 7th semester course. They are pursuing the aforesaid course in terms of the provisional admission.

7. As a result of the aforesaid discussion, we allow the present petitions and direct the respondent-University to register the petitioners for the 6th semester course, and permit the petitioners to pursue their 7th semester course of Mechanical Engineering in accordance with law. The provisional admission granted to the petitioners shall be deemed to have been regularised.

8. A copy of the order be given dasti on payment of usual charges.