

(2013) 11 P&H CK 0042
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 10566 of 2013

Love Preet Singh

APPELLANT

Vs

Khalsa College

RESPONDENT

Date of Decision : 15-11-2013

Acts Referred:

Citation : (2014) 2 PLR 446

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The petitioner took admission in Khalsa College, Amritsar, in B.Com. professional course in the year 2012 and passed first semester. However, he has not been allowed to appear in the 2nd Semester exam which was to start w.e.f. 17.05.2013. It is alleged by the petitioner that he has been regularly attending classes but, due to illness of his mother, he could not attend classes in the month of March 2013 for a period of one month. It is further alleged that the petitioner made a representation asking for issuance of roll number but it has been denied without any reason. At the time of notice of motion, following order was passed by this Court:-

Learned counsel for the petitioner submits that examination is going to start from 17.05.2013, whereas roll number of the petitioner was not being issued. Petitioner came to know about this fact only on 11.05.2013. He immediately moved a representation before the Principal of respondent-College on the very next day, i.e. 12.05.2013 (Annexure P-2), but roll number of the petitioner is not being issued without disclosing any reason.

Notice of motion for 28.05.2013.

Process dasti only.

In the meantime, Principal of Khalsa College, Amritsar is directed to issue

provisional roll number to the petitioner allowing him to appear in the examination commencing from 17.05.2013. However, it is made clear that by way of this interim order, no equity shall be created in favour of the petitioner and his result shall also be subject to final decision of the writ petition.

A copy of this order, under the signatures of the Court Secretary, be supplied to the learned counsel for the petitioner for onward transmission to the authorities concerned, for compliance thereof.

In reply, it is averred that the petitioner was detained because of the shortage of lectures. It is alleged that as per University Calender, the total number of lectures are 477 and in order to be eligible to appear in the exam, student has to attend 75% of the total lectures which comes to 357, but in the case of the petitioner, he had attended only 63 lectures and 223 lectures were short even to complete 75% lectures. It is also averred that the lectures to the extent of 10% can be condoned by the Principal on a substantial cause. The lecture statement of the petitioner for the year 2012-2013 is also attached with the reply.

2. I have heard learned counsel for the parties and on perusal of the record, I am of the considered opinion that there is no error on the part of the respondents in refusing to issue roll number to the petitioner to appear in the second semester because as per the Rule 6(a) of Part III of the GNDU Ordinances for Examination, a candidate appearing in B.Com. Part-I, Part-II or Part-III as a regular student must fulfill the condition of having attended not less than 75 per cent of the full course of lectures delivered and tutorials held separately for his/her class in subjects offered (the course to be counted upto the date of dispersal of the class). From the statement of lectures, it is very much clear that the petitioner had only attended 63 lectures which were short of 223 even to complete 75% lectures for the purpose of allowing a student to appear in the semester exam.

3. Thus, in my considered, opinion, the petitioner has been rightly detained from appearing in the exam as it was made clear at the time of issuance of notice of motion that the interim order will not clothe the petitioner with equity and his result shall be subject to the final outcome of the petition, therefore, the petitioner cannot plead that since he had appeared in the exam already, therefore, his result may be declared. In view of the aforesaid discussion, I do not find any merit in the present writ petition and the same is hereby dismissed.