

(2010) 11 P&H CK 0102
In the Punjab And Haryana At Chandigarh
Case No : Civil writ petition No. 19311 of 2010

Mandhir Bajaj

APPELLANT

Vs

Vice Chancellor, Punjab University and Others

RESPONDENT

Date of Decision : 16-11-2010

Acts Referred:

Citation : (2010) 11 P&H CK 0102

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—The Petitioner is in a second round of litigation before this Court through the present writ petition. He had earlier filed CWP

No. 16873 of 2010, which was disposed of by this Court on 20.9.2010 with direction to the Respondents to consider and decide the

representation as well as the legal notice served by the Petitioner within a period of two weeks from the date of receipt of copy of the said order.

2. The grievance raised by the Petitioner in the earlier writ petition as well as in the present writ petition is that he could not qualify 50% paper in

the 1st year, though was promoted to the 2nd year course provisionally. Now, Syndicate has given a chance to some candidates, who have not

qualified 50% subjects in the 1st year to appear in 2nd year, but similar consideration is denied to the Petitioner. The Petitioner had, accordingly,

represented against this, which was pending decision when he filed the earlier writ petition. The representation of the Petitioner was rejected by the

Syndicate on 12.9.2010 and accordingly, the Petitioner has impugned the said decision through the present writ petition.

3. Notice of motion was issued. No reply is filed. The College, however, does not wish to take any stand. Counsel for the University has come present and is heard.

4. The counsel for the University has placed before me a copy of the Minutes of the meeting of the Committee constituted by the Vice Chancellor to consider the representation of the Petitioner. The Committee has referred to the Regulation 6.2, which is as under:

A candidate who has exhausted all the chances of LL.B. in terms of Regulation 8.1 may re-appear as a late college student within two years of the exhaustion of his chances in such of the remaining papers of LL.B. which he had not been able to clear.

Provided that a candidate who would have been governed by this Regulation, had it been a part of Regulation 8.1 may also reappear as a late college student within 2 years of the coming into force of this Regulation in such of the remaining papers of LL.B. which he has not been able to clear in terms of Regulation 8.1.

5. As per this Regulation, a candidate can only be promoted to 3rd Semester, if he has qualified 5 out of 10 papers in the 1st and 2nd Semester.

This Regulations have been framed by the University with the approval of the Government of India and as such were considered mandatory in nature by the Committee. Since the Petitioner had not qualified 5 out of 10 papers, he was not considered eligible for promotion to the 2nd year.

6. The Committee while referring to the cases, which the Petitioner has cited as an example, had noticed the reason for which exception was carved out in those cases. As observed by the Committee, these students were admitted when the session in fact had been completed and they, as such, could not be expected to have passed the examination held in November/December, 2008. The Committee had also perused the record and admissions, which were made in the year 2008 and noticed that some of the seats were created by the Government of India for giving admission in colleges/Universities to OBC candidates and an equal number of seats have been created in favour of the General Category candidates. These seats could not be initially filled and were later filled under the directions of the Hon"ble Supreme Court. The Committee has also noticed that the Panjab University had received a grant of Rs. 5.00 crores for creating

infrastructure to admit students against 71/2 seats created in Panjab

University. The advertisement, accordingly, was issued inviting applications and admission was given to the available candidates, who had passed

the entrance test and thereafter, candidates belonging to OBC on merits on the basis of qualifying examination. It is in these peculiar facts that some

of the candidates, who had not passed 5 out of the 10 papers, were permitted to provisionally continued in the 3rd Semester as a special case.

7. In view the reason for which the exception was carved out in respect of the students named in Annexure P-2, the action of the University cannot

be termed as illegal and arbitrary in any manner. The case of the Petitioner is not similar to those of the persons mentioned in Annexure P-2. No

case for making any exception is made out. Decision of the University does not suffer from any illegality or arbitrariness to call for any interference.

8. The writ petition is, accordingly, dismissed.