

(2018) 08 UK CK 0138

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2585, 2588, 2589, 2590 Of 2018

Prashant Rawat & others

APPELLANT

Vs

Govind Ballabh Pant University of Agriculture and Technology,
Pantnagar And Others

RESPONDENT

Date of Decision : 27-08-2018

Acts Referred:

Citation : (2018) 08 UK CK 0138

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Jitendra Chaudhary, Rajendra Dobhal Subhang Dobhal, Yogesh Pacholiya

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J. (Oral)

1. In all these petitions, petitioners are students of first year B-Tech course and have failed to qualify in two or less than two papers, as a consequence

of which they were asked to appear in the compartment examination which the petitioners have failed to clear. Petitioners claim parity with other

students of first year B-Tech course who have failed to qualify in more than two subjects but their writ petitions were disposed of by this Court with

direction that they will be permitted to appear as the Academic Probation Candidates as these were the rules applicable in their case earlier and they

were not formally subjected to the new regulations under which the system of Academic Probation Candidate has been given up.

This Court has also been informed by the learned Senior Counsel for the respondent University Mr. Rajendra Dobhal that the orders of this Court in

such cases have been complied with and the students have been given

registration in the third semester and they will be treated as the Academic

Probation Candidates and the subjects in which they have failed to qualify, they will be allowed to clear those subjects in the third semester.

The present petitioners are the ones who have failed in only two subjects (in some cases only one subject) and they were asked to appear in the

compartment examination which they failed to clear. According to the petitioners, they should be allowed registration in the third semester and they

will clear the subjects in which they have failed in the third semester. This Court feels that since the petitioners have already appeared in the

compartment examination and failed to clear the same, their case would be of a different category altogether. However, this Court cannot also ignore

the fact that the net result of this would be that such students who have failed to clear more than two subjects (in some cases even 8 or 9 subjects)

have now been allowed to register in the third semester where they will be given opportunity to clear such subjects.

In view of this, these writ petitions are disposed of with direction that the petitioners would make a representation before the Registrar of the

respondent University who shall sympathetically consider the matter. While deciding the representation of the petitioners, the Registrar shall consider

the fact that what is at stake is one year of the students and more importantly the fact that some of their batchmates, many of them have fared much

worse than the present petitioners, have already been granted a benefit. Let the representation be decided as expeditiously as possible.

Registry shall supply a certified copy of this order today itself to learned Counsel for the parties on payment of prescribed charges.