
(1970) 11 P&H CK 0033
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 3029 of 1970

Ram Parkash Nagar

APPELLANT

Vs

Haryana Agricultural University, Hissar and Another

RESPONDENT

Date of Decision : 25-11-1970

Acts Referred:

Haryana and Punjab Agricultural Universities Act, 1970 — Section 33(3)

Citation : AIR 1971 P&H 369

Hon'ble Judges : C.G. Suri, J

Bench : Single Bench

Advocate : Satya Parkash Jain, for the Appellant; Chaman Lal Lakhanpal, for the Respondent

Judgement

1. The Haryana Agricultural University, respondent No. 1, has dropped the petitioner from the bachelor of Veterinary Science and Animal Husbandry Course (hereinafter briefly referred to as "the Course"). Petitioner's application for readmission has also been rejected by the Vice-Chancellor, respondent No. 2, under rule 7. 64 (b) as contained in the respondents Prospectus for the year 1970-71. The petitioner had been studying in the University for six trimester and had been admitted to the seventy trimester before the declaration of results of the sixth trimester examination in which the petitioner had appeared in May, 1970. The petitioner ha filed this writ petition under Arts. 226 and 227 of the Constitution of India to call in question the legality and propriety of the orders of the respondents.

2. The petitioner had joined the Course in July, 1968. The Course is for four years and is split up into 12 trimesters. There are three trimesters in each academic year of the Course. The rules and regulations governing candidates for this Course were continued in the Prospectus for 1968-69. When the petitioner jointed the Course in July, 1968, there was a Joint Agricultural University known as the Punjab Agricultural University for the Sates of Punjab and Haryana. Colleges affiliated to this University were situated at Palmpur, Hissar, and

Ludhiana. It was, however, felt that two independent Agricultural Universities should be established for the States of Punjab and Haryana and this was achieved by an Ordinance which was promulgated on 2-2-1970. This Ordinance was replaced by the Haryana and Punjab Agricultural Universities Act of 1970.

3. The petitioner claims that he had passed the first six trimesters and thereby completed two years out of the four years" Course. This claim has been denied by the respondents. The petitioner had asked for the production by the respondents of the original records relating to his academic progress and if we were to go through the various trimester reports produced by the respondents, it may be found that the petitioner had failed to make the grade in any trimester and had a number of failures in certain subjects to his credit. According to the respondents, the petitioner had throughout been placed on Scholastic Probation and had been given a chance to continue his studies even though he had failed to make the grade in any of these trimesters.

4. As from the commencement of the Haryana and Punjab Agricultural Universities Act, 1970, the existing University which means Punjab Agricultural University constituted u/s 3 of the Punjab Agricultural University, 1961 stood dissolved and there were established in its place two independent Agricultural Universities to be known respectively as the Haryana Agricultural University and the Punjab Agricultural University. According to Section 33(6), regulations made by the existing University u/s 31 of the Punjab Agricultural University Act, 1961 which were in force immediately before the commencement of the Act of 1970 were to be adopted in so far as they were not inconsistent with the provisions of the Act of 1970 and subject to such adaptations and modifications as may be notified by the appropriate Government, were to be the first regulations of each corresponding University as defined in Section 2 (f) of the Act of 1970. It may, therefore, appear that all amendments that had been made in the rules and regulations by the existing University before the establishment of two independent Universities were to be adopted as the rules and regulations of the corresponding Universities. No provision of the Punjab Agricultural University Act, 1961 has been brought to any notice which requires the publication of the rules and regulations in any Official Gazette.

Some amendments of the rules and regulations were under the consideration of the Academic Council and were approved in a meeting held on 2-9-1969 before the two independent Universities came into existence. Rules 7. 2 and 7. 64 were thereby amended and a circular letter was sent to all Deans, Directors, Heads of Departments and the affiliated institutions at Ludhiana, Hissar and Palampur. Wide publicity was, therefore, given to these amendments by that circular letter dated 17-9-1969. These rules had, therefore, come into force in September, 1969 and were to be treated as the rules and regulations which came to be adopted by the corresponding Universities by virtue of Section 33 (3) of the Act of 1970.

5. The old and the amended Rules 7. 2 and 7. 64 are reproduced below side by

side to given us an idea about the changes brought about by three amendments which came into force in September, 1969 some months before the establishment of the two separate Universities:-

Old rule

"7. 2 The minimum residential requirements in respect of various programmes shall be as under Bachelor's Degree

Programmes Six Trimesters

Master's Degree

Programmes Three Trimesters

Doctorate's Degree

Programme Six Trimesters

Provided that the prescribed period shall include the three trimesters of the final year

For that purposes of this rule, the University shall include its research stations and also such other research institutions with which the University might enter into co-operative and collaborative arrangement with a view to providing additional facilities for its students.

x x x x x x

7. 65 Dropping a student or Extension of the period of Scholastic Probation:

If a student 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's decision the Registrar shall take action accordingly. A student who is thus dropped shall have the right to petition for re-admission.

Amended rule

7. 2 The minimum residential requirements in respect of various programmes shall be as under :

Bachelor's Degree

Programmes Six Trimesters

Master's Degree

Programmes Three Trimesters

Doctorate's Degree

Programme Six Trimesters

Provided that the prescribed period shall include the three trimesters of the final year.

In an undergraduate programme, a student shall be allowed to register for 6 months trimesters (the summer session counting as equivalent to half of a regular trimester) after the normal duration of the programme of training (4 years programme is 12 trimesters and 5 years programme is 15 trimesters) and if, even then, he does not complete his degree requirements successfully, he shall no longer be a student of the College/University.

For purpose of this rule, the University shall include its research stations and also such other research institutions with which the University might enter into co-operative and collaborative arrangement with a view to providing additional facilities for its students.

x x x x x x

7. 64 Dropping of student or Extension of the Period of Scholastic Probation:

(a) If a student other than covered under sub-r, (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 into 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 is to be dropped from the University. On receipt of the Dean's decision, the Registrar shall take action accordingly. A student who is 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 and (b) below.

(b) Those undergraduate students, who fail to achieve the overall grade point average specified below at the end of the first academic year or the second academic year, shall be dropped from the University by the Registrar automatically and such students shall have no right to petition for re-admission.

At the end of 1st academic year1. 50

At the end of 2nd academic year 1. 75

Note : Where a student was awarded F grades for all courses as a result of punishment for restring to unfair means in the examination, the calculation of the grade point average will exclude the F grades for the purposes of automatic dropping at the end of the academic year. "

6. It may be observed that the old rule also required that a student who had reminded on Scholastic Probation during a trimester was expected to achieve the

minimum required overall grade point average at the end of that trimester also. It was in the amended rules, however, that it was provided that a student who failed to achieve the overall grade point average of 1.50 at the end of first academic year 1.75 at the end of second academic year could be automatically dropped from the University. The overall grade point averages for making the grade as given in rule 7.61 are still higher. It may appear that the petitioner had not made the grade in any of the six trimesters for which he had taken a test. He had failed a number of times.

7. It is the petitioner's case that he continues to be governed by the rules that were in force when he joined the Course in July, 1968 and that these rules cannot be changed to his disadvantage right upto the time of his completion of the Course. If the petitioner keeps up his performance at the present level, he may not complete the Course for another 20 years and it may appear rather unreasonable that he should expect the University to keep its rules unchanged for all times.

8. The petitioner's main reliance may appear to be on a Single Bench decision of this Court in *baldev Chand v. Punjab University* (Civil Writ No. 3014 of 1970) decided on 27-10-1970 (Punj). Drastic changes were found to have been made in that case by the respondent University. By virtue of some of those material variations in the regulations, the minimum pass percentage had been raised from 35 per cent to 40 per cent in each individual written paper. Under the amended regulations, a candidate could be asked to reappear even in one part of examination in which he had been declared successful on an earlier occasion. This was not so under the old unamended regulations. Percentage of lectures to be attended had also been increased in the revised regulations. The Hon'ble Judge was of the opinion that this was a "midstream stabbing of the academic careers of the student" and could be sustained only if it was strictly within the statutory jurisdiction of the University authorities certain broad and general conclusions were drawn in the following words :-

"Every Engineering College in Punjab issues its prospectus for every session. Students who join a particular course are expected to join it on the assurance that throughout the course they would be governed by the rules and regulations contained in the relevant prospectus.

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The whole of the four years course aimed at obtaining the degree of Bachelor of Science in Engineering is one composite course, and cannot be treated as consisting of four independent separate examinations - each entitling a candidate to a diploma or a lower degree.

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All that I hold is that the revised regulations are inapplicable to the petitioners who joined and started with their course under the old regulations because the

University has no authority to give retrospective effect to any Regulation made u/s 31 of the Punjab University Act. The University, like any other statutory body, cannot act beyond the scope of the statute which creates it and is bound by its own rules and regulations. "

These observations may appear to go counter to the following observations of a Division Bench of this Court in Sewa Ram v. Kurikshetra University (Letters Patent Appeal No. 97 of 1967 decided on 17-7-1968) (Punj) :-

"Thus the short question, that fell for determination before the learned Single Judge, was, whether the contention of the petitioner, that the regulations prevailing in 1962 when he entered the University, would continue to apply to him till he left the University, was correct or not ?"

"xxxx

Mr. J. V. Gupta, who appeared for the appellant, mainly laid stress on the Full Bench decision of the Rajasthan High Court in Virendra Kapur Vs. University of Jodhpur and Others, , and contended that a appellant had a vested right to be governed by the regulations prevailing at the time when he joined the University and that the regulations could not be altered to his detriment so long as he was in the University doing the course to which he was admitted. I am unable to agree with this contention. The Rajasthan case was a very peculiar case. The regulations were altered after the candidate had appeared in the examination and one day before the result was to be announced. It was in this situation that the new regulation could not operate to the detriment of the student. So far as the present case is concerned, the position is this ; the new regulations came into force on the 31st of March, 1964. The appellant took his examination in 1965 and 1966 under the new regulations. Therefore, it is not open to him after he has failed to pass the examination, to turn round and say that the new regulations do not govern him. In any case, I am not able to accept the contention, that as soon as a candidate enters University, the University cannot alter its regulation and prescribe different standards for r the examinations which the student has not already taken. If the new regulations do not suit the student, he has every right to leave the University and seek admission elsewhere, where he considers the regulations to be more favourable to him. The University is an autonomous body and has every right in the matter of altering the requisite rules concerning the conduct of examinations and the qualifying arks necessary for a degree provided the regulations are made well in advance of the examination which a candidate is required to take. "

9. I am in respectful agreement with the ruling of Letters Patent Bench which must prevail and which is binding on all Single Benches of this Court.

10. The amendments in the regulations had been made in the case in hand about eight months before the petitioner took his examination for the sixth trimester. He had ample time to adjust himself to the changes or amendments made in the regulations. He had, therefore, to make the grade in accordance with the

amended regulations. As he had failed to make this grade, he was liable to be dropped out of the Course automatically under Rule 7. 64(b). The question of consulting the Dean would have arisen only if the petitioner's case had fallen under Rule 7. 64(a). A petition for the readmission could be made only where a student had been dropped under rule 7. 64 (a). As the petitioner had not made any grade in any of the trimesters, he may still be taken to be at the commencement of the Course and there is no midstream stabbing involved in his case.

A letter had been issued to the petitioner in June, 1969 warning him about his poor scholastic performance in the past. A copy of this letter had been sent to the petitioner's father as well. It was mentioned in this letter that the petitioner could have been dropped from the college outright but it was only on compassionate grounds that he had been allowed to continue on scholastic probation for another trimester. The petitioner had been warned that he would be finally dropped from the Course if he failed to make the overall grade point average of 2. 00; the basis being 4. 00. It was also mentioned in this letter issued about a year before the petitioner had taken his examination for the sixth trimester that regulations had been amended and that he could be automatically dropped at the end of the academic year if he failed to make even the lower grade of 1. 50 and 1. 75 respectively.

It is not the petitioner's case that he had made even these reduced grades to justify his retention in the Course. It would be most unreasonable if a student, who has little hope of completing the Course in the near future, should keep out a deserving candidate who can make better use of one of the limited number of seats in a professional course of this type. The petitioner had apparently been granted admission to the seventh trimester provisionally because the result of the examination for the sixth trimester in which the petitioner had appeared was yet to be compiled when that admission to the next trimester was granted as a matter of routine. It does not appear to be material whether the word "provisional" has been impressed with a rubber stamp on an office copy when it did not appear on an original document issued to the petitioner. This surely leaves an unhappy impression about the conduct of the employees of the respondent University but it may appear that the University is in a nascent state and deals in a type of culture which is associated with the peasantry.

11. I, therefore, dismiss the writ petition with costs.

12. Petition dismissed.