

(2000) 12 P&H CK 0008
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 11965 of 2000

Ramanjit Kaur

APPELLANT

Vs

Panjab University, Chandigarh

RESPONDENT

Date of Decision : 04-12-2000

Acts Referred:

Citation : (2000) 12 P&H CK 0008

Hon'ble Judges : R.C. Kathuria, J;N.K. Sodhi, J

Bench : Division Bench

Advocate : Mr. Deepak Sibal, for the Appellant; Mr. Rajeshwar Singh Thakur, for the Respondent

Judgement

N.K. Sodhi, J.—Petitioner is a student of B.A. Part-11. She appeared in the final examination held in April, 1998 and got a compartment in the subject of English. She again appeared in the subject of English in April, 1999 but could not clear the same. She then took the examination in September, 1999. The result of the examination was declared in December, 1999 but the petitioner's result was not declared and against her name it was mentioned "RL" (fee) which meant result later on account of short deposit of the fee. The case of the petitioner is that she kept inquiring from the University as to why her result had been withheld but no positive reply was given to her and that it was only in July, 2000 when she visited the office of the University again that she was informed that a sum of Rs. 625/- was outstanding against her. It is common case of the parties that the petitioner deposited the amount on that very day and that her result was declared on 21.7.2000 which was despatched to her. She did not clear the compartment as she had failed in the subject of English. She applied on 26.7.2000 for re-evaluation of her result. Her request for re-evaluation has been declined on the ground that the application received was late. It is against this action of the University that the present writ petition has been filed.

2. In response to the notice of motion, the University has filed its reply and some of the averments made in the writ petition have been controverted. It is averred

that the petitioner was informed by a letter dated 10.10.1999 that her result of the supplementary examination had been withheld as there was a shortfall of Rs. 625/- in the fee deposited by her. It is further averred that in terms of Rule 5 contained in Chapter XXXIII of the Punjab University Calendar Volume-III an application for re-evaluation from candidates whose results are declared late due to omission or negligence on the part of the candidate could not be entertained after 31st December of the calendar year of the examination in the case of annual examinations and after 31st March of the ensuing calendar year in the case of supplementary/bi-annual examination. The petitioner filed a rejoinder and it is pleaded by her that the letter dated 10.10.1999 alleged to have been sent to her by the University had never been received by her and that she was not aware that her result had been withheld on account of short deposit of fee till she visited the office of the University on 12.7.2000. It is further averred that the result of her supplementary examination in the subject of English was declared on 21.7.2000 and the same was received by her on 26.7.2000 and on the following day she filed an application for re-evaluation of her answer sheets. It would be pertinent to refer to Rule 5 contained in Chapter XXXIII of the Punjab University Calendar Volume-III to which reference has been made by the University in its written statement. The same reads as under:

"5. A candidate whose result is declared late may also seek re-evaluation within 21 days from the date of declaration of his/her result or within 15 days from the date of despatch of result card by the University office to the College/candidate, whichever is later.

The answer-books of such candidates (for all examinations) whose results are "R", be preserved by the Examination Branch/Conduct Branch till their results are declared and their applications for re-evaluation be entertained within the pre-scribed time as laid down in the Rules:

Provided that no application for re-evaluation of such candidates whose results are declared late due to omission or negligence on the part of the candidate, such as non-payment of fee, non-submission of documents required for the confirmation of the eligibility or for non-fulfillment of similar other requirement shall be entertained after 31st December of the calendar year of examination in the case of annual examinations and after 31st March of the ensuing calendar year in the case of supplementary/bi-annual examination."

3. We have heard counsel for the parties and are of the view that the writ petition deserves to succeed. It is not in dispute that when the result of the examination was declared in December 1999 the petitioner's result had been withheld. When the petitioner deposited a sum of Rs. 625/- on 12.7.2000 her result was declared on 21.7.2000 which was received by her on 26.7.2000. In other words, the result of the petitioner was declared after 31st March of the ensuing calendar year in which she appeared in the compartment examination. We are, therefore, of the view that proviso to Rule 5 referred to above does not apply in the case of candidates whose result had been declared after 31st March

of the ensuing calendar year. Moreover, the University has not placed before us a copy of the letter which was allegedly sent to the petitioner on 10.10.1999 though that would not have made much difference. Admittedly, the letter is stated to have been sent by ordinary post and the petitioner is on affidavit before us stating that she never received the said letter. In this view of the matter, the action of the University in not entertaining the request of the petitioner for re-evaluation of her answer sheets in the paper of English cannot be sustained. We, therefore, allow the writ petition and direct the respondents to re-evaluate the answer sheets of the petitioner in the subject of English in B.A. Part-II examination in which she appeared in September, 1999. There is no order as to costs.

4. Petition allowed.