

(2004) 12 P&H CK 0035
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9046 of 2004

Ruman Saini

APPELLANT

Vs

Kurukshetra University and Others

RESPONDENT

Date of Decision : 13-12-2004

Acts Referred:

Citation : (2005) 139 PLR 822

Hon'ble Judges : Ashutosh Mohunta, J

Bench : Single Bench

Advocate : Sushil Bhardwaj, for the Appellant; K.K. Gupta, for Respondent Nos. 1 and 2 and Vibhav Jain, for the Respondent

Final Decision : Allowed

Judgement

Ashutosh Mohunta, J.—The petitioner has filed the present writ petition praying for quashing of Annexure P3 by which the candidature of the petitioner who is a student of M.Com. (Final) class be cancelled.

2. The petitioner was admitted to be a student of M.Com. (final) in Shri Atmanand Jain (P.G.) College, Ambala City. Examination of M.Com were scheduled to be held on 20.5.2004. The petitioner was not issued a roll number as she was short of lectures. The petitioner made a request to the Principal to condone the shortage in the lectures and issue her the roll number. On 20.5.2004, the Principal of the College gave a letter to the father of the petitioner which was addressed to the Deputy Registrar, Kurukshetra University for issuance of the roll number to the petitioner. On receiving the letter issued by the Principal of the College, the Kurukshetra University issued a letter giving the roll number to the petitioner who forwarded the same to the Principal of the College and thereafter the petitioner appeared in the first paper of M.Com Final examination on 20.5.2004 and while she was appearing in the second paper on 26.5.2004, she was stopped in the middle and the question paper was taken from her on the ground that the candidature of the petitioner has been cancelled.

3. Therefore, the petitioner filed the instant writ petition and the petitioner was allowed to appear in the remaining papers vide orders passed by this Court on 31.5.2004.

4. Learned counsel for the petitioner has contended that once the roll number had been issued to her and the shortage in lectures was condoned by the College, thereafter the College could not subsequently say that the lectures were condoned inadvertently or wrongly.

5. The Rules and Regulations with regard to the condonation of the lectures were well within the knowledge of the College and therefore, having taken a conscious decision to condone the shortage of the lectures, the same could not be reviewed at least not without hearing the petitioner.

6. Counsel appearing for the University Mr. K.K. Gupta, Advocate states that they are only the examining body. It is for the College to condone the shortage of lectures in accordance with the Rules and Regulations.

7. Counsel appearing for Atmanand Jain (P.G.) College, Ambala City, however, submits that the lectures of the petitioner were condoned inadvertently and when it was realised that the lectures have been condoned in violation of the Rules and Regulations, rectification was done and accordingly the candidature of the petitioner was cancelled.

8. After hearing the learned counsel for the parties, it is clear that the lectures of the petitioner were condoned by the College and thereafter request was made by the College to the University to issue the roll number to the petitioner. In pursuance to the issuance of roll number the petitioner had appeared in the first paper and was stopped in midway in the second paper. Thereafter, she had appeared in the remaining papers by virtue of order of this Court. Having once condoned the shortage of lectures, now the respondent cannot review its own decision which was taken earlier of condoning the shortage of lectures without affording any opportunity to the petitioner to explain her case.

9. In *Shri Krishnan Vs. The Kurukshetra University, Kurukshetra*, it has been held by the Apex Court that once the candidate is allowed to take the examination, rightly or wrongly then the Statute which empowers the University to withdraw the candidature of the applicant has worked itself out and the candidate cannot be refused admission subsequently for any infirmity which should have been looked into before giving the candidate permission to appear.

10. In the present case, once the roll number had been issued to the petitioner and ! the lectures having been condoned, even though wrongly, then the candidature of the petitioner could not have been cancelled thereafter.

11. In view of the above, the writ petition is allowed and Annexure P3 issued by respondent No. 3 (College) is quashed. Respondent Nos. 1 and 2 are directed to declare the result of the petitioner and the petitioner shall be allowed to appear in the future examination. As the petitioner was unable to appear in two

examinations because of the fault of the College, therefore, the petitioner shall be allowed to reappear in those two examination i.e. Corporate Legal Framework and Tax Planning & Management.

12. Copy of the order be given to the parties under the signatures of the Court Secretary.