

(2009) 01 P&H CK 0056
In the Punjab And Haryana At Chandigarh

Udgeet Verma and Others

APPELLANT

Vs

Punjab State Board of Technical Education and Industrial
Training and Others

RESPONDENT

Date of Decision : 14-01-2009

Acts Referred:

Citation : (2009) 3 PLR 680

Hon'ble Judges : Nawab Singh, J;J.S. Khehar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

J.S. Khehar, J.—The appellants were interested to pursue their academic career in the Science Stream. With the aforesaid objective, they participated in a joint entrance test conducted by the Punjab State Board of Technical Education and Industrial Training, Punjab, in June 1996. Having made their mark on merit, they were allowed admission at the Thapar Polytechnic, Patiala during the academic session 1996-97.

2. Well before the admission of the appellants to the aforesaid academic session at the Thapar Polytechnic, Patiala the said Institute had introduced a Multi Point Entry System, and a credit System. Under the Multi Point Entry System, lateral entry was permissible to students even to higher classes of the course. In other words rather than beginning the course by admission to the first semester of the first year, a candidate could even enter a course by seeking admission to the third semester of the second year, i.e. even without having pursued the first two semesters of the first year. In so far as the Credit System is concerned, the same required a candidate to obtain at least 145 credits for being awarded a Diploma at the culmination of the course. The course comprised of six semesters i.e. two semesters per year. For purposes of admission to higher classes i.e. to 3rd and 5th semesters respectively, a further minimum credit requirement was postulated. It is not a matter of dispute that the Credit System referred to in the instant paragraph was introduced at the Thapar Polytechnic,

Patiala in the year 1995-96 preceding the academic year, during which the appellants were allowed admission at the Thapar Polytechnic, Patiala.

3. The appellants attended the course curriculum for the first two semesters. Their result was, however, not declared on time i.e. prior to the commencement of the third semester. They were, therefore, permitted to attend classes of the 3rd semester provisionally, subject to declaration of result of the first two semesters, as also, subject to condition that they acquired the minimum credits postulated under the Credit System for admission to the 3rd semester. Just before the appellants, who were about to appear for the examination of 3rd semester examination, their result was declared for the first two semesters. The appellants could not earn the minimum credits, which would entitle them the right of admission to the 3rd semester. The appellants were accordingly not permitted to appear for the third semester examination.

4. The aforesaid denial was sought to be challenged by the appellants by filing Civil Writ Petition No. 18899 of 1997. As a consequence of the interim orders passed by this Court from time to time, the appellants were permitted to attend classes, as also, to take their examinations at the culmination of each semester. The result of the appellants after the aforesaid denial has not been declared. The declaration of the result of the appellants was to depend on the determination of the controversy at the hands of this Court in C.W.P. No. 18899 of 1997. C.W.P. No. 18999 of 1997 came to be dismissed by this Court by an order dated 23.7.1999. The decision rendered by learned Single Judge on 23.7.1999, is subject matter of challenge at the hands of the appellants, through this appeal.

5. The only question which arises for determination at our hands is, whether the appellants had the right to appear in the 3rd semester examination, and in the subsequent examinations. In so far as the instant issue is concerned, it is essential to refer to paragraph 1 of the preliminary objections as well as paragraph 1 of the preliminary submissions recorded in the written statement filed on behalf of respondent No. 1. The aforesaid paragraphs of the preliminary objections and the preliminary submissions are being extracted hereunder:

Preliminary objections:

1. That the petitioners have concealed the material facts from this Hon'ble Court as the case of the petitioners in the present writ petition is that they should be allowed to sit in the third semester examination by relaxing the new condition of requirement of multi point entry and credit system. Although the petitioners are claiming relaxation yet they have not disclosed the system: Multi point Entry and Credit System. Therefore, it is clear that the petitioners have not approached this Hon'ble Court with clean hands and have suppressed material facts from the Hon'ble Court. Therefore, the present writ petition is liable to be dismissed on this ground.

Preliminary Submissions:

1. That in the year 1995 a scheme called "Multi point Entry and Credit System" was introduced at Thapar Polytechnic, Patiala. This scheme was introduced to improve the quality and standard of education. As per this scheme, every student by the end of second term, must earn 18% of the credit of total credits i.e. 145 credits in this case assigned for the award of diploma course excluding credits earned through exemptions and if he/she fails to do so, he/she will not be allowed to continue the programme and such candidates will be declared unfit for diploma course and will not be allowed to continue further. Sub-rule 4 of Rule 7.2 of Examination Rules is reproduced hereunder for the kind perusal of this Hon'ble Court.

Rule 4

By end of 2nd term, student must earn Eighteen percent of the credits of the total credits i.e. 145 credits in this case assigned for the award of diploma course, excluding credits earned through exemptions. If, he/she fails to do so, he/she will not be allowed to continue the programme. Such candidates will be declared unfit for diploma course and will not be allowed to continue further:

In view of the provisions reproduced above, the petitioners were required to earn 26 credits upto 2nd semester. Since they have failed to earn the same, therefore, they have not been allowed to sit in the 3rd semester examination. Therefore, the writ petition is liable to be dismissed on this ground also as the petitioners have failed to earn the required credits.

Suffice it to state that the same preliminary objection as had been raised by the Punjab State Board of Technical Education and Industrial training, was also raised on behalf of the Thapar Polytechnic, Patiala in its written statement filed in response to C.W.P. No. 18899 of 1997.

6. In sum and substance, the case of the respondents is, that definite parameters for onward progress to higher semesters had been laid down under the Credit System, he could be allowed admission to a higher semester(s). As is apparent from the extract reproduced here-in-above for admission to the 3rd semester, a candidate ought to have earned at least 18% credits out of a total of 145 credits. It is apparent that a candidate who is desirous of admission to 3rd semester ought to have earned 26 credits in the first two semesters. It is not a matter of dispute that the appellants had not earned 26 credits in the first two semesters i.e. at the time when they were denied the right to appear in the written test being conducted for the 3rd semester.

7. We are satisfied that the denial of admission to the appellants to appear in the 3rd semester examination was fully justified. The credits system was introduced at the Thapar Polytechnic, Patiala in the academic session 1995-96. The appellants had been allowed admission at the Thapar Polytechnic, Patiala in the succeeding academic year, i.e. in the academic year 1996-97. In the prospectus issued by the Thapar Polytechnic, Patiala, reference was expressly made to the Multi point Entry System, as well as, the Credit System, which had been adopted

by the Thapar Polytechnic, Patiala. The appellants were fully aware of the conditions that had to be fulfilled by them, prior to their admission to 3rd semester. Since the appellants did not fulfill the minimum prescribed/stipulated condition for admission to the 3rd semester, they were rightly denied to appear in the written examination.

8. For the reasons recorded here-in-above, we find no merit in the instant, appeal and the same is, accordingly, dismissed.