

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 14388 of 2002 (O&M)
Date of decision: February 6, 2015

Arvind Kadian

...Petitioner

Versus

Guru Jambheshwar University and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Arjun Pratap Atma Ram, Advocate,
for the petitioners.

None for respondents No. 1 to 3.

Mr. Keshav Gupta, Advocate,
for respondent No.4.

K. KANNAN, J. (Oral)

1. There is no representation for the respondent-university. The petitioner's prayer in the writ petition is to quash the result issued under Annexures P/11 to P/14 for the 4th semester and the 7th semester have been revised so far as the petitioner is concerned and the petitioner was shown to have been required to re-appear in one subject of the 4th semester and the marks of the 7th semester had been reduced. The petitioner's grievance is that his engineering course consisted of 8 semesters of which the 4th semester examination had been held in the year 1996. The result was sought to be changed in the year 2002 without joining the petitioner in any way in setting out the circumstances that impelled such a change on the

ground that the petitioner had been shown to have failed in the 4th semester, the benefit of admission and the result for the 8th semester were also sought to be withdrawn. The petitioner, therefore, contains also a challenge to the decision of not issuing the final degree certificate.

2. Annexure P/11 is the result notification for the 4th BE semester where the petitioner was declared to have passed having secured 569 out of 1100. This was sought to be reviewed on 12.12.2012 as failed in Electrical with the result “re-appear” by the letter Annexure P/12 is the result. The 8th semester exam which was previously shown to have yielded to pass result with the petitioner having been shown as secured 3783 out of 6280 was being withdrawn in view of the earlier decision that the 4th semester result was being withdrawn. It is, therefore, be seen that Annexure P/12 is consequential to Annexure P/11.

3. Reply of the university states that tampering of the answer sheet in the 4th semester was noticed in the paper that the petitioner had been shown to have been awarded 61 marks in the result sheet. If the respondent was present in court I could have asked for appropriate proof for such assertion, especially when the mistake was reported to have been noticed nearly 6 years after the initial declaration of the result. Even the copy of Annexure R/1 produced before the court vouching for the marks awarded as “2” to the petitioner for his roll no. 1206 does not, according to the petitioner, bear the seal of the Superintendent or the counter signatures of the person who had checked the results. I cannot merely place reliance on the defence taken by the university without appropriate substantiation for the same. I therefore, quash the decision contained in Annexures P/11 and P/12.

4. Annexure P/13 submitted along with the petition is the result notification for the 7th semester declared in the year 1996. He was reported to have failed previously but on his prayer for verification, it appears it was assessed that he has secured 474 marks out of 1500 which meant that he had more than 50% marks and hence ought to have been declared passed. Under Annexure P/14 the marks were again reduced from 747 out of 1050 to 642 out of 1050. The basis for such reduction especially after the correction was made on his application for appraisal, according to the petitioner, was not justified. What I find is justifiable ground for setting aside the decisions taken under Annexures P/11 and P/12 with regard to the fact that the petitioner had not been at any time put to notice to show cause against such a decision to make further revision, it should apply to the corrections through the decisions taken under Annexures P/13 and P/14 also.

5. The decisions brought through Annexures P/11 to P/14 are quashed and the respondents are directed to issue the degree certificate in terms of the DMC issued already, copy of which have been filed as Annexures P/15 to P/21.

6. The writ petition is allowed on the above terms.

February 6, 2015
prem

(K.KANNAN)
JUDGE