

CWP No.1149 of 2015

[1]

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

**CWP No.1149 of 2015
Date of decision:10.07.2015**

Ms. Jeevanjot Multani

...Petitioner

Versus

Guru Nanak Dev University, Amritsar and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rohit Ahuja, Advocate,
for the petitioner.

Mr. Amrit Paul, Advocate,
for respondent no.1.

Rakesh Kumar Jain, J.

The petitioner has prayed for a writ in the nature of *mandamus*, directing Guru Nanak Dev University, Amritsar (hereinafter referred to as the “University”) to declare her result of the B.Ed. examination for the session 2013-14, which has been withheld on the ground that her Bachelor of Arts (General) Degree, obtained from the CMJ University, Shillong, Meghalaya (hereinafter referred to as the “CMJ University”), has not been approved by the University in its Academic Council's meeting held on 20.06.2014.

It is averred by the petitioner that she graduated in Bachelor of Arts (General) from the CMJ University. She applied to the University for

CWP No.1149 of 2015

[2]

information on 07.07.2012 under the Right to Information Act, 2005, in respect of the status of her B.A. (General) Degree obtained from the CMJ University and received the reply on 03.08.2012 that if the Degree has been obtained from the regular university campus (In Campus), then the admission can be regularized in the higher class. The petitioner also sought information from the University Grants Commission (hereinafter referred to as the “UGC”) that the in-campus Degree obtained from the CMJ University is approved, but the said University is not entitled to open its study centre/off campus centre even within the State, without permission of the UGC, as per the provisions of UGC Regulations, 2003.

It is alleged that after verifying the status of her graduation degree, obtained from the CMJ University, the petitioner applied for admission in the B.Ed. course in the session 2013-14. After verifying her documents, she was asked to deposit the requisite fee and was allotted Guru Nanak College of Education for Women, Kapurthala (hereinafter referred to as the “private college”) for the B.Ed. course. It is further alleged that she had completed her classes and appeared in the examination in April, 2014, under Roll No.92014065721, but her result has been withheld and declared as RL by the University on 30.06.2014. The petitioner, thereafter, wrote a letter dated 12.09.2014 to the Registrar of the University, but it has not declared result of the petitioner so far. Hence, the present writ petition has been filed.

After notice, the University has filed its reply in which a preliminary objection has been raised that the petitioner has concealed the

CWP No.1149 of 2015

[3]

material facts as she has not mentioned anywhere in the writ petition as to whether she had done her B.A. (General) Degree from the regular main campus of the CMJ University, actually by going from her place of residence i.e. Amritsar to Meghalaya and residing there for three academic years of her B.A (General) Degree studies as a regular student at the place of the regular campus of the CMJ University, Shillong, Meghalaya. It is also averred that actually her Degree is off-campus degree done from an offshore study centre, under distance education mode, located in Amritsar, Punjab and hence, the petitioner cannot plead in the writ petition that the degree has been obtained by her in regular mode from the main campus of the CMJ University.

It is further averred that the UGC, in its 495th meeting dated 01.10.2013, had approved the report of the Expert Committee on violations committed by the CMJ University in the matter of issuing all its degrees and then issued a stern public notice warning the public and students about the action being taken against it for the various irregularities and illegalities committed by the CMJ, University while issuing the degrees in the past which were under the scanner of the authorities in regard to its validity. Further publication was made in the newspaper dated 03.05.2013 and the students and the general public were cautioned about the fraud committed by the CMJ University, according to which the Governor of Meghalaya had ordered to re-call all the degrees issued by it to the students enrolled during 2010-11, 2011-12 and 2012-13 in various courses. Moreover, the degrees issued by the CMJ University have been held to be invalid by the Allahabad

CWP No.1149 of 2015

[4]

High Court in the cases of **Rahul & anr. vs. State of U.P. and others**, Special Appeal No.94 of 2014 and **Deo Priyesh Gupta & ors. vs. State of U.P. and others**, 2014(3) All. LJ 149.

It is further averred that the particulars submitted by the petitioner were in the on-line application which were not checked as the qualifications for admission were to be subsequently checked and determined by the private college in which the petitioner was provisionally allocated a seat in terms of the entrance test conducted by the Punjabi University, Patiala, and the University came into picture only at the time of determining the eligibility of the admission when its Equivalence Committee found the petitioner ineligible by not granting recognition to her qualifying B.A. (General) Degree, obtained from the CMJ University. It is further averred that as per the general conditions given in the Punjab Government notification dated 23.05.2013, allocation of a seat does not mean the confirmation of admission as the admission is to be confirmed by the private college concerned after checking and verification of documents, who is responsible to do so.

Counsel for the petitioner has argued that there is no fault of the petitioner because she was granted admission by the respondents, studied for a whole year in the B.Ed. course and the University has now withheld her result. If she was not eligible for admission in the B.Ed. course, then she should have been told at the time when the admission was given to her.

On the other hand, learned counsel for the University has

CWP No.1149 of 2015

[5]

submitted that the petitioner had taken mandatory entrance test for seeking admission in the B.Ed. course for the session 2013-14, in any college, affiliated to any of the universities in the State of Punjab including University, which was conducted by the State of Punjab through Punjabi University, Patiala as per the government notification dated 23.05.2013. At the time of taking the said entrance test on the basis of the particulars given by the petitioner in the on-line application submitted by her to the Punjabi University, Patiala, the eligibility qualifications for admission to the B.Ed. course were not checked/determined by the Punjabi University, Patiala, or by the University, which was not in the picture at that time. The eligibility qualifications for admission to the B.Ed. course were to be subsequently checked and verified by the private college in which the petitioner was provisionally allocated a seat. In the present case, the private college in which the petitioner is studying has not filed its reply for the reasons best known to it.

It is also submitted that the petitioner is guilty of *supressio veri and suggestio falsi* as she did not disclose anywhere in her petition that whether she had obtained the degree of B.A. (General) from the main regular campus of the CMJ University while staying at Shillong, Meghalaya, to apply the decision taken by the UGC, which has been made part of the writ petition as Annexure P-3.

I have heard learned counsel for the parties and perused the record with their able assistance.

It would be pertinent to mention at the threshold that the

CWP No.1149 of 2015

[6]

petitioner has drafted the petition very cleverly as she has not disclosed anywhere in the petition about the status of her B.A. (General) Degree, obtained from the CMJ University, as to whether the said degree has been obtained by her while staying at Shillong and studying as a regular student in the main campus of the CMJ University for 3 years. In the absence thereof, it has to be presumed that the degree obtained by the petitioner is an off-campus degree and as a result thereof, the decision of the UGC, largely sought to be applied by the petitioner for her own use, would go against her.

Moreover, the documents of the petitioner were to be scrutinized by the private college, who appeared to have admitted the petitioner without checking of documents only for the purpose of securing fee and filling up one of its seats, otherwise the private college should have filed its reply.

Insofar as the University is concerned, it is not at fault in withholding the result of the petitioner because the degree obtained by her is not recognized.

In view of the aforesaid discussion, I do not find any merit in the present writ petition and hence, the same is hereby dismissed, though without any order as to costs.

July 10, 2015
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(Rakesh Kumar Jain)
Judge