

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

**CWP No.12030 of 2015
Decided on : 18.12.2015**

Kiran

... Petitioner

Versus

Kurukshetra University & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Sanjeev Sharma, Advocate,
for the petitioner.

Mr.Mohinder Singh, Advocate,
for respondents No.1 to 3.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks quashing of the letter dated 19.05.2015 (Annexure P7) whereby she was not issued the roll number on account of Clause 9.3 of the M.A. Ordinance Semester System of the University Calendar Vol-II, Part B.

The reasoning for the denial was that the petitioner had not been able to complete her 4th semester examinations within 4 years and therefore, was unfit for the MA Programme. The petitioner had initially done her +2 examination in the year 2009 from the Maharishi Dayanand University (Annexure P3). Thereafter, after Graduation, she took admission in MA Part I in Political Science with respondent No.4-College which is affiliated to respondent No.1-University, in the year 2010. She had 2 reappears and therefore, could only pass the 1st year examinations

in 2013. Halfway through, instead of pursuing her M.A. Course, which is of 2 years duration, she took admission in the B.Ed. Course which is a one year course and completed the same in 2013-14. After completing her B.Ed., she sought admission in the same College, in the 2nd year and even sat in the examinations for the 3rd semester. Thereafter, she sat in the two examinations for the final year (4th semester) and was detained from sitting in the balance papers whereby she approached this Court.

Interim order was passed on 01.06.2015, permitting the petitioners to sit in the last paper, subject to final decision of the writ petition.

The argument raised by counsel for the petitioner is that the University is estopped from denying the roll numbers, on account of its conduct.

The defence of the respondent-University is upon Clause 9.3. The same reads as under:

“9.3 A candidate who fails to pass all the four semesters’ examinations within four years of his/her admission to an M.A. course shall be deemed to be unfit for that M.A. Programme.”

The University has categorically denied issuing any roll number to the petitioners for the 3rd and 4th semesters and the onus has been shifted upon the College who gave the admission on the basis of Rule 24, which reads as under:

“24. The Principal of the college are permitted to admit

the students after a gap of studies, if, the students otherwise, eligible and his/her case falls under the admission policy.”

Thus, the argument of counsel for the petitioner that the University had permitted the petitioner from appearing in the examination and is estopped by the principle of estoppel, is without any basis, on account of the specific denial.

The College could only admit the students provided the student was otherwise eligible and fell within the admission policy. Clause 9.3 specifically puts the cap of 4 years for the students to pass the examination from the date of admission and therefore, the petitioner had to pass out the examination by the year 2014. It is the petitioner who herself has taken a chance by joining another course, midway and also been successful in getting the said degree. She, therefore, now, cannot turn around and say that she is entitled to continue in the MA course and cannot seek a writ of mandamus against the University as it is settled principle that a mandamus cannot be issued to the University against its own statute. The same has been held in ***A.P.Christians Medical Educational Society Vs. Government of A.P. & another 1986 (2) SCC 667***, by the Apex Court.

Resultantly, the present writ petition is dismissed.

DECEMBER 18, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE