

CWP NO. 19551 OF 2014

Date of decision: 22.07.2015

Abhishek Chaudhary

.....Petitioner

versus**The Punjab Engineering College and others**

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Amit Chopra, Advocate
for the petitioner.Mr. S.P.Yadav, Advocate
for respondent Nos. 1 and 2.**Rakesh Kumar Jain, J.(Oral)**

The petitioner has prayed for a writ in the nature of certiorari for quashing the order dated 20.06.2014, communicated to him vide memo dated 19.08.2014 and has also prayed for a writ in the nature of mandamus seeking direction to the respondents to allow him to be registered to the academic session 2014-2015 to complete his degree in Bachelor of Engineering course.

In short, the petitioner got admission in the Punjab Engineering College in Metallurgical Engineering in July 2006 and also got admission in Marine Engineering and Research Institute, Bombay. He studied at Bombay for a month but was declared medically unfit and then he decided to join Punjab Engineering College, Chandigarh. Though the petitioner had attended the classes regularly from 20.09.2006 but he could not make up his attendance in three subjects. He appeared in the Ist semester examination in December, 2006 in all the 5 subjects but cleared only 2 papers and the result of the remaining 3 papers was not declared because of the shortage of

attendance. The petitioner was registered in the IInd semester which commenced in January, 2007 but unfortunately, he lost his confidence and started living alone in his hostel room and stopped meeting with other students and suffered hyper tension and went into depression. It is further alleged that the petitioner was treated at the P.G.I. Chandigarh and diagnosed as patient of Neurocysticercosis. He also suffered from brain stroke, arthrities as well as hyper tension. He remained in ICU for 4 days and due to the medical reason could not appear in the second semester examination which was held in May, 2007. Due to the failure of the petitioner to appear in the IInd semester examination held in May, he was terminated from Bachelor of Engineering programme in June, 2007. The appeal against the said order was accepted and the petitioner was asked to repeat the Ist year but unfortunately again he suffered from the problem of hypertension in the month of October/November 2007 and was prescribed heavy doses of medicines and was informed that he is suffering from Nervous System disorder and had to take the treatment for 3 to 5 years.

The petitioner applied for semester leave in November, 2007. While the leave application was pending with the respondents, the Dean Academic Affairs Punjab Engineering College, Chandigarh issued a memo. dated 20.3.2008 vide which the father of the petitioner was informed that Senate has approved the leave of the petitioner for the session 2007-08 on the condition that the petitioner shall report for registration in next semester (Session 2008-2009) which is closed on 24.07.2008. As the petitioner was still undergoing treatment and was short of lectures in two subjects due to which he secured less **Cumulative Grade Point Average called CGPA.**

The appeal of the petitioner was rejected by the Senate and the Bachelor of Engineering programme of the petitioner was terminated. He challenged the notice dated 23.01.2009 by way of Writ Petition No. 8049 of 2009, alleging that he was granted fresh registration in the Ist semester on 24.07.2008 for the session 2008-2009 and was entitled to complete the degree course in six years or twelve semester as per the provisions contained in the Regulation 10.2 of the Rules and Procedure for undergraduate programme. The writ petition was disposed of on 25.01.2011 in which the following order was passed:

“Learned counsel for the respondents on instructions from the respondents states that the benefit of semester leave can be granted to the petitioner, in which eventuality his admission course shall be treated from 2008 entitling him to complete the said course in six years time thereafter. It satisfies the grievance of the learned counsel for the petitioner, who states that the present petition may be disposed of as having become infructuous. Ordered accordingly.”

Thereafter, the petitioner appeared in each semester and cleared the relevant papers. At the end of each semester, respondent No. 1 issued the Detailed Mark Sheet indicating therein the units and grades obtained in each subjects as well as the CGPA. As per Rule 10.3 of the rules, a candidate is required to complete successfully all the courses of the curriculum prescribed for the undergraduate programme and attained a minimum level of academic performance i.e. obtain a minimum of CGPA of 5.0. The procedure for grading and calculating the CGPA is also provided in

“6.3 Grading System

The performance of the student in a course is reported in terms of broadband grades. The following letters grades are used:-

Letter Grade	Performance	GradePoints
A	Excellent	10
B	Very Good	8
C	Satisfactory	6
D	Marginal	4
E	Deficient, reappear	0
F	Failing	0
I	Incomplete	0
*N	Not Eligible	
S	Satisfactory(for zero credit courses only)	-
X	Unsatisfactory (for zero credit courses only)	-

The grade E maybe awarded to a student only if the student's performance is within 50% of the cut-off performance for the last passing grade D.

*The E grade will be available to the students in only the first and second semester courses. The reappear examination will be scheduled by the Academic Section. A students's overall academic performance within a given semester or in all the courses completed is measured by two grade point averages. **Semester Grade Point Average(SGPA):** The performance of a student in a particular semester is measured by Semester Performance Index (SGPA), which is a weighted average of the grades secured in all the courses taken in a semester and scaled to a maximum 10.*

If the grade points associated with the letter

grades awarded to a student are g_1, g_2, g_3, g_4 , and g_5 , in five courses and the corresponding credits are w_1, w_2, w_3, w_4 , and w_5 , the SGPA is given by

$$SGPA = \frac{w_1g_1 + w_2g_2 + w_3g_3 + w_4g_4 + w_5g_5}{w_1 + w_2 + w_3 + w_4 + w_5}$$

For instance, suppose a student is registered for one 5-credit course, four 4-credit courses, and one 3-credit course during a semester, i.e. a total of 24 credits. If he secures A, B, A, B, C, and D grades, respectively in these courses, his SGPA will be calculated as follows:

SGPA is calculated up to one decimal place only.

Cumulative Grade Point Average(CGPA)- The

Cumulative Performance Index(CGPA) indicates the overall academic performance of a student in all the courses registered up to and including the latest completed semester/summer term. It is computed in the same manner as the SGPA, considering all the courses (say, n), and is given by

$$CGPA = \frac{\sum_{i=1}^n W_i g_i}{\sum_{i=1}^n w_i}$$

After completing the Ist semester for the year 2012-2013, the respondents issued a Detailed Mark Certificate to the petitioner wherein the CGPA was shown as 3.7. In order to secure a CGPA of 5, as required under the rules, at the end of the course, which was required by the candidate, must have total grade points of 850 because if 850 is divided by 170 it come

to 5 CGPA.

The petitioner was under the impression that he had to achieve the total grade points of 277 in one year which would mean the he had to earn grade of 'A' in most of the subjects, which the petitioner felt was not feasible for him. He again went into depression and was advised MRI and CT Scan and was referred to Psychiatric department of P.G.I, Chandigarh. In this regard, he attached Out Patient Card of the P.G.I, Chandigarh dated 26.08.2013 as well as the report of the MRI and CT Scan dated 12.10.2013 as Annexure Nos. P-5 and P-6.

After completion of six years of the course, respondent No. 1 issued fresh Detailed Mark Sheet wherein upto the Ist semester of 2012-2013, the petitioner was shown to have earned 3.55 CGPA, whereas in the Detailed Mark Sheet dated 14.08.2013 of the year 2012-2013, the total CGPA was shown as 3.37. After receiving the Detailed Mark Sheet dated 14.08.2013 and on finding the discrepancy in CGPA, the petitioner got suspicious and calculated himself the CGPA which comes out to 3.96 in the Ist semester 2012-2013. He has thus, set up a case that had the respondent informed the petitioner on 14.08.2013 correctly that his CGPA is 3.96 and not 3.37. Then the petitioner would not have been depressed as the total grade points as per 3.96 comes to 674 and the actual deficit out of 850-674 = 176 grade points which was not difficult for the petitioner to achieve. The petitioner later on also cleared some subjects and the deficit of the CGPA was only 56 grade points.

The petitioner then made a representation for extension of semester so that he may complete the programme and his graduation but the

respondent vide impugned order Annexure P-10 dated 19.08.2014 informed the petitioner that his request for extension of time for completing undergraduate programme has been turned out on the ground that maximum duration for completing Bachelor of Engineering course is six years. Since the period has expired at the end of summer Session 2013-2014, therefore, he was not allowed to be registered for the purpose of completing his course. Hence this petition has been filed.

After notice, the respondents have filed the reply in which the respondent has averred that *“It is important to mention here that the difference in CGPA as calculated by the Institute and as calculated by the petitioner, has come on account of the year of his admission. If the year of admission is taken as 2006, his CGPA comes to be 3.59 as calculated by the Institute, but this Hon'ble Court vide order dated 25.1.2011 had ordered that the year of admission shall be taken from 2008, hence, if the year admission is taken as 2008, his CGPA comes to be 4.67 as reported by the student. However, it is further averred that that CGPA of 4-67 does not meet the minimum requirement of the Institute i.e. 5.0. He has also failed to clear 8 courses and as per Rule 10.2 the maximum time limit of 6 years for completing the BE Programme has already been over in June, 2014. Therefore, no further chance can be given to the petitioner.”*

Counsel for the petitioner has argued that the respondents themselves have admitted in the reply that they have calculated the CGPA from the date of his admission i.e. from the year 2006 whereas in the earlier writ petition bearing CWP No. 8049 of 2009, this Court vide its order dated 23.01.2011, decided that the admission course of the petitioner shall be

treated from 2008, entitling him to complete the said course within a period of six years. It is further argued by counsel for the petitioner that no doubt the period of six years had expired in 2014 but the fault is on the part of the respondents who had wrongly given the CGPA to the petitioner as 3.37 though it was 3.96 at that time. The petitioner who is already a patient of depression and hypertension, though he would not be in a position to achieve the target of 5.0 CGPA as he had to acquire 'A' grade in almost all subjects which was not possible for him. It is thus, submitted by learned counsel for the petitioner that had the wrong information not been given by the respondent to the petitioner and the CGPA earned by him been properly conveyed to him, the petitioner could have prepared his subjects and appeared in the exam to achieve the target of remaining 177 grade points which was otherwise 276 as projected by the respondents.

On the other hand, counsel for the respondent has vehemently argued that the petitioner has to appear in 8 subjects and as per Rules and Procedures for undergraduate programme (applicable to the students admitted from academic Session 2010-2011 onwards) *“the minimum duration to complete the BE programme is 4 years(8 semesters) and the maximum permissible duration is 6 years(12 semesters) excluding semester leave, if any”*. It is also provided in Rule 10.3 that *“a student is required to complete successfully all the courses of the curriculum prescribed for his/her undergraduate programme and attain a minimum level of academic performance i.e., obtain a minimum CGPA of 5.0”*.

I have heard both the learned counsel for the parties and perused the available record. There is no denying to the fact that Rule 10.2

and 10.3 referred to above, specifically provide minimum requirement of 5.0 CGPA to complete the course. Secondly, the course is of maximum duration of six years(12 semesters). However, in the facts and circumstances of this case in which the petitioner, who is a patient of depression and hypertension, as projected, was misguided by the respondents that he had secured CGPA of 3.37 and as a result thereof the petitioner had presumed that it would be an uphill task for him to complete his undergraduate programme of Bachelor of Engineering Course because he was short of 277 total grade points for which he was to earn Grade A “in most of the subjects”. However, the fact remains that the petitioner had earned 3.96 CGPA and was short of only 176 grade points for which he was not supposed to earn Grade A in all the subjects. Thus, in the aforesaid facts and circumstances specially when the petitioner is only short of 56 grade points as of now, as he had secured 4.67 CGPA already, he deserves one more opportunity to clear all the subjects which are reproduced as under:-

Course ID	Course name
EN101	Unified Electrical Engineering-I
TA102	Engineering Graphics
PY201	Physics-II
EN304	Fluid Mechanics
MT302	Extractive Metallurgy Ferrous
MT407	Research Methodology & Measurements
TAN101	Introduction to Computing

In view of the aforesaid discussion, the present petition is hereby allowed and the petitioner is allowed to appear in the aforesaid 7

subjects in the forthcoming exams.

22nd July, 2015
Shivani Kaushik

[Rakesh Kumar Jain]
Judge