

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

CWP No. 20582 of 2015
Date of decision: 20.11.2015

Vikrant Singla

....Petitioner(s)

Versus

Panjab University and others

...Respondent(s)

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

Present: Mr. Vaneet Soni, Advocate,
for the petitioner.

Mr. Indresh Goel, Advocate,
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 12.08.2015 (Annexure P-7) whereby, the Vice Chancellor of the respondent-university has dismissed the appeal filed by the petitioner against the disqualification order passed by the UMC Committee on 22.07.2015 (Annexure P-5), which is also subject matter of challenge.

By virtue of the said order, the petitioner has been disqualified from appearing in the university examination for a period of one year from April/May 2015 to November/December, 2015 (two exams) under Regulations 7 and 8 of the Punjab University Calendar, Volume II, 2007.

Counsel for the petitioner has submitted that the order is non-speaking and does not give any reasons for disqualification which has been levied upon the petitioner and even the appellate order is also suffering from the same defect.

In the written statement filed by the university, the plea taken is that the petitioner was detected cheating within the first hour of the exam which is the B.A. (1st year) 2nd semester examination in History and Culture of Punjab. He was given another opportunity to attempt the said examination by supplying him a fresh answer sheet, which he did not write in two hours duration, which goes on to show that he was not a knowledgeable and bona fide student. He was also provided another chance to appear before the Standing Committee but he could not satisfy the queries of the Standing Committee. The fellow student namely Ms. Vidhushi, from whom he was copying, was afforded a second answer sheet and she was able to answer a long way and utilize the second chance in an effective manner.

It is pertinent to mention that the allegations were of copying from Roll No. 14097410, which is of Ms. Vidhushi. Record has been produced by counsel for the university. A perusal of the same would go on to show that there is a lot of similarity between the questions attempted by both the candidates in the first set of papers. The petitioner has, in the second set of papers, has not even properly attempted to answer the same questions and has opted to attempt another answer. It is, thus, apparent on the face of the record that he was a beneficiary of copying from the other students but while given the second opportunity also, he was not able to write well all the questions, which he had attempted in the first set of answer sheets.

In such circumstances, the findings which have been recorded do not suffer from any infirmity as such which would warrant interference.

The Apex Court in *Controller of Examinations etc. vs. G.S. Sunder and*

another, 1993 (Sup) 3 SCC 82 has specifically held that the Court should not have misplaced sympathy in the cases of the menace of cheating and that the unhealthy practice of cheating is like a poisonous weed in the field of education. Similar view was taken in *Director (Studies) and others vs. Vaibhav Singh Chauhan, 2009 (1) SCC 59*. It was accordingly held that a strict view is to be taken in maintaining high academic standards and sympathy for students using unfair means is wholly out of place. The relief given by the Single Judge of the High Court was set aside alongwith the judgment of the Division Bench, which had upheld the said order interfering in the punishment imposed.

In such circumstances, this Court would be at loath to interfere in the order of disqualification, which is for a period of one year and the punishment can also go upto two years in such cases. A lenient view has already been taken.

Accordingly, the present writ petition is dismissed.

20.11.2015
shivani

(G.S. SANDHAWALIA)
JUDGE