

CWP No.8943 of 2015 (O&M)

[1]

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

**CWP No.8943 of 2015 (O&M)
Date of decision:10.08.2015**

Gurmeet Kaur

...Petitioner

Versus

Panjab University and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Karan Garg, Advocate, and
Mr. Teevar Sharma, Advocate, for the petitioner.

Mr. Suvir Sidhu, Advocate,
for respondent no.1.

Mr. Arjun Pratap Atma Ram, Advocate,
for respondent no.2.

None for respondents no.3 & 4.

Rakesh Kumar Jain, J.

The petitioner has prayed for a writ in the nature of *mandamus*, seeking a direction to respondent no.1-Panjab University, Chandigarh (hereinafter referred to as the “University”) to declare the result of her B.Ed. examination.

It is averred by the petitioner that in the year 2010, she was a student of B.A. (Part-1) in the Shhatrapati Shahu Ji Maharaj University, Kanpur, which is affiliated to UGC and the State Government, but due to her marriage in Punjab, she could not appear in one of the prescribed subjects and was declared “FAILED” in her B.A. (Part-I) examination. It is

CWP No.8943 of 2015 (O&M)

[2]

further averred that in the year 2009, Periyar Institute of Distance Education (hereinafter referred to as the “Periyar University”) started the Break-in-Study Scheme, as per which the candidates who had discontinued 1st and 2nd year of the courses, from the colleges of the Periyar University or any other University, approved by the UGC and AIU, were to be considered for admission respectively in the 2nd and 3rd year of the course in the same faculty. This exemption was subject to the condition that the candidate will appear in the examination conducted and would clear all the subjects of the entire course. It is alleged that the petitioner got admission directly in the 2nd year of the B.A.-Economics in December 2010 in respondent no.4 i.e. Shaheed Udham Singh Institute of Management & Technology, affiliated to the Periyar University, on the basis of her B.A. (Part-I) result. She appeared in the examinations of 1st and 2nd year of the B.A.-Economics in December/January 2012 and cleared all the prescribed subjects in the same session. In February 2013, she appeared in the 3rd year examination of B.A.-Economics, secured 789 marks out of 1500 and was declared “PASS”. Thereafter, in July 2013, the petitioner applied for admission in the B.Ed. course in respondent no.2-college, affiliated to the University, on the basis of B.A.-Economics examination passed by her. She was admitted in the respondent no.2-college under Roll No.12 and appeared in the final examination of the B.Ed. course for the session 2013-2014 under Roll No.5102. The Deputy Director of the Periyar University issued transfer certificate on 14.05.2014, which was submitted by her to the University through respondent no.2, with late fee of ₹5,000/-.

CWP No.8943 of 2015 (O&M)

[3]

On 05.06.2014, the petitioner received a letter from the University, after completion of her final examination of the B.Ed. course, informing her that she has not been found eligible for admission to the B.Ed. course for the session 2013-2014 on the ground that “*the examination B.A. (Eco) passed by the candidate from Periyar University Salem has been recognized as equivalent to corresponding examination of this University provided the duration of the B.A. (Eco) examination is three academic years. Since the candidate passed B.A. (Eco) two years course from the said University, she is not eligible for admission to B.Ed. course*”.

On 17.07.2014, the petitioner replied to the aforesaid letter dated 05.06.2014 and also sent a representation to respondent no.2. She again made a detailed representation on 04.02.2015 and 10.02.2015, but her result of the B.Ed. course was not declared and hence, the present writ petition has been filed.

Counsel for respondent no.1 has submitted that the instructions for admission to various courses, during the session 2013-2014, was circulated by the Assistant Registrar (R&S) of the University to all the Principals of the affiliated Colleges/Chairpersons of the Departments on the P.U. Campus and the Directors of Panjab University Regional Centres vide Circular No.5152-5452/R&S dated 21.05.2013 that the last date for receipt of Registration Return for various courses, along with complete documents, was 15.10.2013 and in case of delay, penalty shall be imposed by the University. The relevant part of the aforesaid instructions is as under:-

“The last date for receipt of Registration Return and

CWP No.8943 of 2015 (O&M)

[4]

C.Ds. of Registration Returns of various courses along with complete documents from the Principals of the Colleges/Chairpersons of the University Teaching Departments be fixed as 15th October of the year of admission. Thereafter, these shall be accepted with penalty per student...”

Though the last date for submission of Registration Return for the session 2013-2014 was 15.10.2013, the Registration Return was submitted by the respondent no.2-college on 14.10.2013 but without original documents of the petitioner, therefore, the credentials of the petitioner could not be verified at that time. It was only on 31.05.2014 that respondent no.2-college sent original documents of the petitioner and since there was a considerable delay in sending the original documents of the students including the petitioner, therefore, the University imposed a penalty of ₹10,000/-. It is alleged that the petitioner has passed her qualifying examination from the University other than the Panjab University and since the course passed by the petitioner of B.A.-Economics is of the duration of two years, therefore, the Assistant Registrar (R&S) of the University forwarded the original documents of the petitioner for equivalency to the General Branch of the University, who had informed that the petitioner is not eligible since as per the Equivalency Booklet Rules, the duration of courses should be like those of Panjab University courses/degree and in the present case, the B.A. (Economics) is for the duration of 2 years, which is not equivalent to B.A. (Economics) of 3 years duration in the Panjab

CWP No.8943 of 2015 (O&M)

[5]

University. Accordingly, vide letter dated 05.06.2014, the University informed respondent no.2-college that the petitioner is not eligible for admission and requested that her name be struck off from the rolls of the college. Although by that time, the process of registration of the petitioner was over and she had also appeared in the examination of the B.Ed. course for the session 2013-2014 but her result was declared as “cancelled”. It is further averred that the entire responsibility was of respondent no.2-college to check the eligibility of the candidate at the time of admission and inform the University at the earliest, but in this case, respondent no.2-college failed to do so and the University had even imposed a penalty of ₹2,500/- per student, which the respondent no.2-college had paid against receipt on 31.05.2014.

Learned counsel for the petitioner has argued that there is no fault on her part because the petitioner had appeared in the examination and her admission cannot subsequently be cancelled for any infirmity which should have been looked into before admitting the petitioner to the B.Ed. course. In support of his submissions, he has relied upon a judgment of the Supreme Court in the case of **Shri Krishan vs. The Kurukshetra University, Kurukshetra**, 1976 AIR (SC) 376 and a judgment of this Court in the case of **“Rajwinder Kumari and others vs. Panjab University, Chandigarh and others”** CWP No.22761 of 2013, decided on 29.10.2013.

I have heard learned counsel for the parties and examined the available record.

Admittedly, the petitioner failed in B.A. (Part-I) examination in

CWP No.8943 of 2015 (O&M)

[6]

the year 2011, conducted by the Shhatrapati Shahu Ji Maharaj University, Kanpur. Thereafter, she took admission directly in 2nd year of the B.A.-Economics in the respondent no.4-institute, which is a study centre affiliated to the Periyar University. She had appeared in 10 subjects in the 2nd year examination of B.A.-Economics held in December/January 2012 and cleared the same. Thereafter, she appeared in 5 subjects in February 2013 and also cleared the same.

From a close look of the record, an important thing has surfaced that the petitioner was not even eligible for “Break-in-Study” because according to the letter attached as Annexure P-1 by the petitioner, purported to have been written by the Periyar University to all its study centres, that *“the candidate who have discontinued I and II year of the course from the colleges of this University or any other Universities approved by UGC and AIU are considered for admission respectively to the II and III year of the course in the same faculty”*, whereas, firstly the petitioner was not admittedly a student of B.A.-Economics in the 1st year when she had appeared in the B.A. (Part-I) examination conducted by the Shhatrapati Shahu Ji Maharaj University, Kanpur, as it was a regular B.A. Course and secondly, there was no break in the study of the petitioner because she had not discontinued her study after passing her B.A. 1st year to take admission directly in the 2nd year course, which is also required to be taken in the same faculty, rather she had failed in the B.A. (Part-I) examination conducted by the Shhatrapati Shahu Ji Maharaj University, Kanpur. The petitioner had taken admission directly in 2nd year of the B.A.-Economics course, which

CWP No.8943 of 2015 (O&M)

[7]

was a separate faculty than the one in which she had studied in B.A. (Part-I), which was a regular B.A. Course. Thus, even if the petitioner has passed 15 subjects in 2 years, her degree has to be considered of 2 years, as has been rightly mentioned in the transfer certificate issued by the Periyar University.

Thus, an important question would arise as to whether the 2 years degree course of the B.A.-Economics of the Periyar University would be equivalent to 3 years course of the University.

In this regard, the University has provided that “*as already intimated vide this office circular letter No.ST-36574-36614 dated 19.8.1997 that the Syndicate of this University at its meeting held on 10.7.1997 (Para 7) has considered a letter dated 28.5.1997 (No.F.1-25/93-CPP-II) received from Dr. R.P. Gangurde, Additional Secretary, University Grants Commission, New Delhi, regarding validity of degrees issued by Open Universities, and has, inter-alia, decided that graduate and post-graduate degrees issued by the statutory Bodies established under an Act of Parliament/State Legislature should stand recognized automatically (on reciprocal basis) if the nomenclature and the duration of the course etc. are like those of P.U. courses/degrees*”.

Accordingly, the petitioner has failed to establish that the nomenclature and duration of the course and the degree issued to the petitioner by the Periyar University is equivalent to the degree/course of the University because the Periyar University has categorically observed in the Migration Certificate that the duration of the B.A.-Economics course passed by the petitioner is 2 years, whereas according to the University, the said

course is of 3 years. Moreover, the study centre of the Periyar University had wrongly given admission to the petitioner in the break-in-study scheme, which is even contrary to the letter (Annexure P-1) of the Periyar University, as per which the break-in-study means that the student after having passed B.A. 1st year could not take admission continuously in the B.A. 2nd year or B.A. 3rd year, but it does not mean that a student, who has failed in the 1st year, can take admission in the 2nd or 3rd year in the name of break-in-study, even in another faculty. Such type of degrees cannot be recognized in view of the aforesaid decision taken by the University.

Insofar as the question of petitioner's having appeared in the exam after issuance of admit card and roll number by the University is concerned, the University has specifically averred that the last date for submission of Registration Return was 15.10.2013 and the college of the petitioner sent her Registration Return to the University on 14.10.2013, but without original documents, therefore, the credentials of the petitioners could not be verified. The University imposed the penalty as the original documents of the petitioner were sent by respondent no.2-college only on 31.05.2014 from which it was found that the petitioner had not completed her 3 years degree course, but in the meantime, the petitioner had appeared in the B.Ed. examination held in the month of April, 2014, because the roll numbers were issued by the University on the basis of the Registration Return, sent by respondent no.2-college. Thus, the entire fault lies with respondent no.2-college and not with the University.

As regards the judgments relied upon by counsel for the

CWP No.8943 of 2015 (O&M)

[9]

petitioner, these are on different facts and are not applicable to the present case because the 2 years degree of B.A.-Economics of the Periyar University cannot be given equivalence to the 3 years graduation degree of the Panjab University.

Thus, in view of the aforesaid facts and circumstances, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

August 10, 2015
vinod*

(Rakesh Kumar Jain)
Judge