

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

Date of Decision: 20.4.2015

LPA No.1901 of 2014

Pariksha

...Appellant

Versus

Punjab Technical University, Jalandhar & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL**

Present: Ms. Pariksha - appellant in person.

Mr. Tribhuwan Singla, Advocate for respondent No.1.

Mr. Narinder S. Lucky, Advocate for respondent No.2.

HEMANT GUPTA, J. (ORAL)

Challenge in the present appeal under Clause X of the Letters Patent is to an order passed by the learned Single Judge of this Court on 30.10.2014, whereby the writ petition filed by the appellant seeking quashing of the order dated 30.12.2013 was dismissed.

The appellant was admitted in 2010 for the course of Bachelor of Technology degree programme (2010-2014 batch) in the Electronics and Communication stream. The appellant attended her classes up to 6th semester, but after the submission of 7th semester registration fee on 24.4.2013, the appellant left for Rajasthan, her place of residence for treatment of some gynecological problem. Appellant came to Chandigarh in the month of July 2013 to attend her classes, but the respondent College

extended its classes to August 2013 instead of July 2013. The appellant was advised bed rest from 05.08.2013 to 19.08.2013. She returned back on 20.08.2013, but was informed that date of submission of registration form for 7th semester has lapsed on 12.08.2013 and that the registration is possible with the permission of Head of Department and Dean of the college. The stand of the appellant is that her application for registration was accepted on 21.8.2013, but the College did not allow the appellant to attend her 7th semester classes. It was on 30.12.2013, the Head of Department informed the appellant that University had ordered that appellant is required to repeat her 7th semester with immediate lower batch. The said communication reads as under:

“Reference is made to your letter No.CGC/St.Sec/4232 dated 21.12.2013 on the subject cited above. The competent authority has approved that

1. Ms. Pariksha Jain Roll No.100870420020 is allowed to register for 8th semester.
2. She will attend 7th semester classes with immediate lower batch.”

It is, thereafter, the appellant challenged the said order before this Court in the writ petition wherein the appellant was permitted to appear in the 7th semester examination on purely provisional basis and that the appellant will not be entitled to right of equity and shall be subject to final decision of the writ petition. The learned Single Judge dismissed the writ petition on the ground that the appellant has not attended the classes in 7th semester, therefore, she cannot be permitted to take 7th semester examination benefit without attending classes.

Having heard the appellant and the learned counsel for the respondents, we find that the appellant would suffer injustice if she would have to attend classes of 7th semester though she has qualified not only 7th semester, but also 8th semester in the meantime. Though the order of the learned Single Judge cannot be faulted on the ground that appellant cannot be permitted to appear in the examination without attending classes, but the fact remains that the University had permitted the appellant to attend 7th semester classes with immediate lower batch while admitting the appellant to 8th semester. Therefore, once the appellant has been permitted to take 8th semester by the University itself, the direction to attend academic classes of 7th semester is of academic nature only. At this stage, to call upon the appellant to attend classes of 7th semester although she has qualified for 7th semester and 8th semester will not be conducive to the academic career of the appellant. No useful purpose would be served if the appellant is directed to attend classes of the 7th semester, when she has qualified such semester examination as well.

Consequently, we deem it appropriate to allow the present appeal in its peculiar facts and circumstances and direct the University to regularize the result of 7th and 8th semester of the appellant forthwith.

(HEMANT GUPTA)
JUDGE

20.4.2015
Meenu/Vimal

(LISA GILL)
JUDGE