

In the High Court of Punjab and Haryana at Chandigarh

**LPA No. 668 of 2014
Date of Decision: 7.9.2015**

Kurukshetra University, Kurukshetra

---Appellant

versus

Santosh Kumari and others

---Respondents

**Coram: Hon'ble Mr. Justice S.S.Saron
Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr.A.S.Virk, Advocate
for the appellant**

**Mr. Ashwani Bhardwaj, Advocate
for respondents No. 1 to 4**

None for proforma respondents No. 5 to 9

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

S.S.Saron, J.

Heard learned counsel for the appellant and learned counsel for respondents No. 1 to 4.

This Letters Patent Appeal has been filed under Clause x of the

Letters Patent against the judgment and order dated 9.1.2014 passed by the learned Single Judge whereby the petition filed by respondents No. 1 to 4 has been allowed.

Respondents No. 1 to 4 filed a writ petition for directing the appellant-University (Respondent No. 4 before the learned Single Judge) to declare their results of Bachelor of Education ("B.Ed."-for short) and further direct the Haryana School Teachers Selection Board, Panchkula (respondent No. 6) to accept their applications so as to enable them to appear in the Haryana Teachers Eligibility Test ("HTET"-for short). Respondents No. 1 to 4 had taken admissions in S.R.M College of Education, Hisar (respondent No. 8) and the Maharishi Dayanand College of Education, Litani, Uklana (respondent No. 9) which are affiliated to the appellant-University. They appeared in their B.Ed. course final examinations for the Session 2012-13 against the roll numbers which were assigned to them. However, their result was cancelled and they approached the Registrar of the appellant-University. The learned Single Judge vide impugned judgment dated 9.1.2014, keeping in view the limited relief which was prayed for, directed the appellant-University to intimate respondents No. 1 to 4 their result in respect of the B.Ed. examinations course for the Session 2012-13.

According to learned counsel for the appellant-University, the results have since been declared, however, the detailed marks cards have not been issued. Similarly situated students have filed writ petitions for issuance of detailed marks cards. It is also submitted that some students have filed writ petitions against cancellation of their candidature.

The dispute and issue in the present appeal is that respondents No.1 to 4 had passed their qualifying examinations i.e. B.A General from the Eastern Institute for Integrated Learning in Management University, Sikkim ('EIILM University' – for short). According to the appellant, the EIILM University course is not recognized by the Indira Gandhi National Open University ('IGNOU' – for short), which is the authority that recognizes the Institutes conducting distance education programmes/courses. The IGNOU vide letter dated 21.08.2012 (Annexure A-1) had informed the appellant-University that EIILM University was not at present recognized by the Distance Education Council (DEC-for short) which is a wing of the IGNOU. It is submitted that the Joint Committee of the University Grants Commission (“UGC”- for short)-All India Council of Technical Education (“AICTE” for short) and DEC had accorded course-wise recognition to EIILM University, Sikkim for the academic year i.e. 2009-10 only and too in respect of some programmes i.e. B.A. (Hospitality and Tourism), Bachelors in Computer Applications (BCA) and Masters in Business Administration (MBA) through distance mode. It was further informed vide letter dated 09.09.2012 that the approval which had been granted in respect of the programmes through distance mode was confined to the territorial jurisdiction of Sikkim only.

The appellant-University constituted a Committee to examine the admission cases of 368 students of various courses i.e. traditional/professional/ PG/B.Ed courses in respect of students who had taken admission for the Session 2012-13 on the basis of passing their qualifying examinations from the EIILM University, Sikkim. The

Committee decided that the result of students who had passed the lower qualifying examinations from the EIILM University through distance mode may be cancelled. According to the learned counsel for the appellant-University, the said decision to cancel the result was taken on 20.2.2014 by the appellant-University vide Annexure A-15.

It is against the said cancellation of admissions that some of the students approached this Court by way of Civil Writ Petition No.122 of 2014, which was disposed of by the learned Single Judge vide impugned order dated 09.01.2014 directing the appellant-University to intimate the petitioners (respondents No. 1 to 4 herein) their results.

It is not in dispute between the parties that the impugned order dated 9.1.2014 was an ex parte order and now the question regarding whether detailed marks cards are liable to be issued is pending consideration before the learned Single Judge. The learned Single Judge is to inter alia consider the question as to whether the qualifying examinations from the EIILM University, Sikkim for the Session 2012-13 is valid or not. In the circumstances, no useful purpose would be served in keeping the appeal pending and it would be just and expedient that the matter in dispute is considered by the learned Single Judge who is already seized of the issue. The order in the present appeal was an ex parte one, therefore, it would also require consideration as to whether the result in the first place was liable to be declared. It is also to be noticed that this Court on 5.8.2014 had stayed the direction issued by the learned Single Judge in the impugned order. Therefore, it would be just and proper that the learned Single Judge also considers the question whether a direction is liable to be issued for

declaration of the results.

Accordingly, we allow the appeal and set aside the impugned order dated 9.1.2014 and remit the matter back to the learned Single Judge for necessary consideration, in accordance with law.

(S.S.Saron)
Judge

(Rekha Mittal)
Judge

7.9.2015

PARAMJIT