

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6370 of 2009
Decided on :05.08.2016

Sangita Yadav

... Petitioner

Versus

State of Haryana & others

... Respondents

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

Present : Mr.O.P.Goyal, Sr.Advocate
with Mr.Mukesh Verma, Advocate, for the petitioner.

Mr.J.S.Bedi, Addl.A.G., Haryana, for respondent No.1.

Mr.A.K.Sharma, Advocate, for
Mr.S.K.Sharma, Advocate, for respondent No.2.

Mr.Anurag Goyal, Advocate, for respondent No.3.

None for respondent No.4.

G.S. Sandhawalia, J. (Oral)

Petitioner challenges the communication dated 27.03.2009 (Annexure P9) whereby she was declared ineligible in the B.Tech course on account of the fact that she did not fulfill the prescribed eligibility condition at the time of admission.

It is not disputed that the petitioner gave her All India Senior School Certificate Examination in the year 2008. The detailed marks card dated 21.05.2008 (Annexure P2) was issued to her, which showed that she had passed in the said examination. However, in the subject of Chemistry, the petitioner only got 36 marks, having secured only 10 marks in the theory and 26 in the practical. The certificate, however, did not depict that the petitioner had failed in the said subject. The certificate further contains various abbreviations, showing AB as 'Absent in the Subject', FP as 'Fail in Practical', FT as 'Fail in Theory' etc. The said abbreviations were not mentioned in the certificate of the petitioner, against the subject of Chemistry. On the basis of the same, the petitioner took admission in the B.Tech course in August, 2008 and was permitted to continue with the said course till 27.03.2009. It is not disputed that in the month of

November/December, 2009, she was also permitted to sit in the first semester. Thereafter, the impugned notice dated 27.03.2009 was issued when she had almost completed her second semester.

This Court had protected the petitioner on 27.04.2009 and various orders had been passed whereby she was also permitted to appear in the 4th semester, provisionally. It is not disputed that the petitioner has also, in the meantime, cleared her Chemistry subject, which would be clear from the Senior School Certificate Examination, 2010 (Annexure P15), by securing 54 marks and by improving her theory marks to 28 marks and getting Grade-D2. It is further pointed out that the petitioner has also, thereafter, passed out of the B.Tech course in the year 2012 and also subsequently, taken admission in the M.Tech in the year 2013. At this stage, it would not be appropriate to disturb the order of interim protection and relegate the petitioner back to the 1st year, on account of the fact that she had a compartment at the time of admission. Keeping in view the above facts and the fact that the petitioner has been permitted to continue in her B.Tech course in March, 2009, without any objection having been raised, it would be appropriate to confirm the interim orders dated 27.04.2009.

Accordingly, the present writ petition stands disposed of.

AUGUST 5th, 2016

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No