

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

Civil Writ Petition No.15035 of 2016

Date of decision: 19.10.2016

Pulkit Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Ram Darshan Yadav, Advocate for the petitioner.

Mr. Rohit Arya, Assistant Advocate General, Haryana
for respondent no.1.

Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate for respondent no.2.

Mr. Mukesh Kumar Vermani, Advocate for respondent no.3

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks admission in the B.A. 3rd Semester in
respondent no.3-College.

It is the pleaded case of the petitioner that he had taken
admission in B.A. Ist Semester in the year 2014 with respondent no.3-
College after passing his senior secondary examination. He thereafter
passed his Ist semester on 7.5.2015, the examination for which was held in
December 2014. Similarly he passed his 2nd Semester examination in May,
2015.

It is his categorical averment that he had taken admission in 3rd
Semester but had fallen ill on account of kidney problem and
transplantation was done at AIIMS Hospital, New Delhi. Therefore, he
could not attend the classes and could not appear in the examination of 3rd
Semester due to his long illness. In spite of that he had been shown that he

had appeared in the 3rd and 4th Semester examinations. His result had been shown as re-appear. After his health had improved, he had approached the respondents for getting admission in the 3rd semester but he was not given admission.

The stand of the respondent no.2-University is that on line examination form has been submitted by respondent no.3-College and the college had never informed that the petitioner was having shortage of lectures and without informing the same, respondent no.3 uploaded the examination form on University web portal. The internal assessment marks have also been uploaded on the University portal. It is further submitted that the petitioner had not appeared in any exam/paper of 3rd semester and he was shown as absent in theory paper. His result was shown as re-appear in all the subjects. The College was supposed to inform the University at least a week before the commencement of examination regarding shortage in attendance of the petitioner but no such request has been received from the College.

In written statement filed on behalf of respondent no.3-College, it has been admitted that the petitioner did not attend the classes of 3rd semester but he deposited the examination fee despite the fact that there was no provision of filling up the examination form in case of non-attendance of classes. He did not appear in the said examination due to his illness and his result was shown as re-appear. It has further been averred that examination fee of 4th semester was also deposited.

The stand of the respondent no.3-College is that the petitioner could take admission in the 5th semester and appear in 5th and 6th semester examinations and alongwith that he could appear in 3rd and 4th semesters

examinations.

From the above facts, one aspect is clear that the petitioner had never attended the classes of 3rd semester. Therefore, he was never eligible to sit in 3rd semester examination as minimum requirement of attending classes would be a necessary precondition for issuance of roll number. It is apparent that respondent no.3-College in its eagerness had uploaded his examination form on the University web portal which had also been facilitated by deposit of examination fee by the petitioner.

However, the fact remains that the petitioner does not want to take admission in the 5th semester as has now been suggested. Even he is willing to lose one year and take admission in the 3rd semester for which, in the opinion of this Court, there can be no objection by the University or the College in giving the admission to the petitioner in 3rd Semester as the fault lies with both the respondents which has led to this dispute.

Accordingly, the present writ petition is allowed. Respondent no.3-College is directed to admit the petitioner in B.A. 3rd Semester and allow him to give examination of the same. Respondent-University shall also not raise any objection or treat the earlier result of the petitioner as re-appear as he was never eligible to appear in 3rd semester examination and it is not disputed that he had never sat in the same.

October 19, 2016
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(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No