

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

CWP No.20126 of 2015

Varinder Kumar

....Petitioner

Versus

Panjab University and Ors.

...Respondents

Date of Order: 04.04.2016

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Madhav Pokhrel, Advocate for the petitioner.

Mr. Indresh Goel, Advocate for respondent Nos.1 & 2.

Mr. Sameer Sachdeva, Advocate for respondent No.3.

RAKESH KUMAR JAIN,J (ORAL)

The petitioner took admission in B.P.Ed. One year degree course in Govind National College, Govind Nagar, Narangwal, District Ludhiana (for short "the College"), affiliated to the Panjab University, Chandigarh, in the session 2013-14, on the basis of degree of Bachelor of Science in Information Technology (B.Sc.IT) Laternal Entry obtained from Vinayaka Missions University, Salem, Tamil Nadu (for short "Vinayaka Missions"). The petitioner appeared in B.P.Ed. Examination held in April 2014 on the Roll No.1367 issued by the Panjab University, Chandigarh (for short "the University").

It is alleged that the petitioner, through his College sent his Migration Certificate dated 16.4.2014 issued by Vinayaka Missions to the University vide Memo dated 07.5.2014. The result of the petitioner was not declared and on inquiry, he was told that the Examination Branch could not allot the registration number because the College did not submit the Migration Certificate. However, the result of the petitioner was declared as CS for want of registration number as per information supplied vide letter dated 18.11.2014. The petitioner sent a legal notice to the College and the University to declare his result and issue Certificate but on 24.8.2015 he received a letter memo dated Nil vide which it was stated that as per Memo No.4471-72/R&S dated 07.4.2015 issued by the Assistant Registrar, R&S, the petitioner was not found eligible for admission to B.P.Ed as the B.Sc.(IT) lateral examination passed from Vinayaka Missions has not been recognized as equivalent to B.C.A examination by the University. The petitioner has, thus challenged the memo dated Nil and Memo dated 07.4.2015, both attached as Annexures P.10 and P.11 respectively as illegal and also prayed for declaration of result and to issue Certificate.

Learned counsel for the petitioner has submitted that the petitioner was fully eligible to take admission in the B.P.Ed one year degree course and appeared in the examination under the Roll Number issued by the University as earlier his result was not being declared for want of registration and now his admission has been cancelled on the ground of eligibility. It is

further submitted that there is no fault on the part of the petitioner, who has submitted all requisite documents and the fee after which he was issued Admit Card/Roll Number by the University and at that time, no objection was raised and after a period of one year, the respondents have illegally declared the petitioner ineligible on the ground that the degree obtained by him from Vinayaka Missions is not equivalent to the degree of BCA.

In their reply, it is submitted by the University that the Instructions for admission to various courses during the session 2013-14 was circulated by the Assistant Registrar (R&S), Panjab University, Chandigarh 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 21.5.2013. Last date for receipt of Registration Return for various courses along with complete documents was 15.10.2013. It was made clear that in case of delay, penalty shall be imposed by the University. It is further stated that the Registration Return sent by the College was received by the University on 15.10.2013 but the original documents of the petitioner were not sent along with the Registration Return, therefore, the verification of the credentials of the petitioner could not be made in time. It was only on 12.5.2014, the Principal of the College sent the original documents to the University and since there was considerable delay in sending the original documents, a penalty of Rs.2500/-

was imposed in respect of the petitioner, which was deposited by the College with the University vide Receipt No.8267 dated 12.5.2014. By that time, the petitioner had already appeared in the examination of B.P.Ed one year course in April, 2014 under Roll No.1367. It is further submitted that the original documents of the petitioner were forwarded by the Assistant Registrar (R&S) of the University for equivalency to the General Branch of the University. Since the petitioner had passed his qualifying examination from a University other than the Panjab University, the General Branch demanded the copy of the syllabus. Assistant Registrar (R&S) sent letter No.6093/R&S to the Principal of the College to send syllabus of B.Sc.(IT), which was received from the College on 26.5.2014. The matter of equivalency was placed before the Academic & Administrative Committee of Department of Computer Science & Application, Panjab University in its meeting held on 7.6.2014 in which the Committee requested the Deputy Registrar (General) to obtain certified copy of syllabus of B.Sc. (IT). The College sent certified copy of the Syllabus of B.Sc. (IT) to the University vide letter No.50/GNC/2015 dated 2.3.2015, which was received in the University on 10.3.2015 and thereafter put up before the Committee in its meeting held on 20.3.2015. The Committee after going through the syllabus found that the syllabus of B.Sc. (IT) Laternal Entry Examination obtained by the petitioner from Vinayaka Missions was not equivalent to B.C.A examination of Panjab University. On this count, the University informed the

College vide letter No.4471-72/R&S dated 07.4.2015 that the petitioner was not found eligible for admission to B.P.Ed one year course. It is also stated that it was the responsibility of the college to check the eligibility of the candidate at the time of admission and inform the University at the earliest but since the College failed to do so, the University has not only imposed the penalty for the same but also cancelled the admission of the petitioner.

Learned counsel for the University has submitted that this case is fully covered by the decision of this Court passed in CWP No.8943 of 2015 titled Gurmeet Kaur Vs. Panjab University and Others decided on 10.8.2015.

I have heard learned counsel for the parties and examined the available record. From the correspondence between the College and the University, it is apparent that the original documents were not sent by the College to the University well within time and the petitioner was allowed to take examination. However, the result was not declared because of lack of verification of documents. Ultimately, it was found by the University that the degree possessed by the petitioner of B.Sc. (IT) lateral entry was not equivalent to BCA exam of the University and as per clause 11-B of the Instructions for admission to various courses of session 2013-14, the admission has been cancelled because it provides that the person who has passed one of the following qualifications shall be eligible to join the course:

“A Bachelor/Post-graduate in any discipline of another University recognized by Panjab University as equivalent to (a) obtaining not less than 45 % marks.”

The degree obtained by the petitioner has not been found to be equivalent by the University. In the cited case of Gurmeet Kaur's case (supra), similar issue was involved in which the petitioner had argued that after undergoing the course for a year and appearing in the examination, admission cannot subsequently be cancelled for any lacuna, which could be looked into by the College or University before admitting the petitioner but the said argument was rejected. In that case also, the Registration Return was sent by the College to the University a day before the last day and even without the original documents, therefore, the credentials of the petitioner could not be verified. It was held that the fault was of the College and not of the University, who could not have granted admission to the student, who did not possess the minimum qualification. Thus in view of the aforesaid facts and circumstances, there is hardly any merit in the present petition and the same is thus dismissed.

No costs.

April 04, 2016
manoj

(RAKESH KUMAR JAIN)
JUDGE