

CWP No.22825 of 2015

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

**CWP No.22825 of 2015
Date of decision:04.05.2016**

Harjot Singh Mangat

...Petitioner

Versus

Guru Nanak Dev University, Amritsar and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.S.Swaich, Advocate,
for the petitioner.

Mr. Amrit Paul, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner took admission in the 1st semester of Three Years LL.B. course in July/August, 2003 during the academic year 2003-2004. He got admission in the 5th semester in July/August 2005 and appeared in the University examinations held in December, 2005, in which he got re-appear in two subjects. He appeared in the 5th semester re-appear examination in December, 2006 and again got re-appear in Paper-II (CPC), which he never cleared. He took 6th semester examinations in April, 2006 and as per pleadings of the petitioner, he went to Canada in 2009 and returned to India in 2014. Thus, he has now prayed for a direction to the respondents to give a mercy/special chance to clear Paper-II (CPC) of the 5th semester to complete his LL.B. Course.

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In reply, the respondents has attached academic record/profile of the petitioner, which is as under:-

Academic Record of Candidate Harjot Singh Mangat,
University Roll No.4134, LL.B. (3 Years Course)

Roll No.	Class	Session/Year	Result	Remarks
4134	LL.B (TYC) 1 st Semester	December-2003	RP(IV) RT(III)	Re-Appear
4134	LL.B (TYC) 1 st Semester	December-2004	RT(III)	Re-Appear
4134	LL.B (TYC) 1 st Semester	December-2005	255/500 (Pass)	Pass
4134	LL.B (TYC) 2 nd Semester	May-2004	RP(III)	Re-Appear
4134	LL.B (TYC) 2 nd Semester	May-2005	RP(III)	Re-Appear
4134	LL.B (TYC) 2 nd Semester	May-2006	267/500 (Pass)	Pass
4134	LL.B (TYC) 3 rd Semester	December-2004	RP(II,IV)	Re-Appear
4134	LL.B (TYC) 3 rd Semester	December-2005	245/500 (Pass)	(Pass)
4134	LL.B (TYC) 4 th Semester	May-2005	RP(I, III, IV)	Re-Appear
4134	LL.B (TYC) 4 th Semester	May-2006	RP(I,IV)	Re-Appear
4134	LL.B (TYC) 4 th Semester	May-2007	257/500 (Pass)	Pass
4134	LL.B (TYC) 5 th Semester	December-2005	RP(II,III)	Re-Appear
4134	LL.B (TYC) 5 th Semester	December-2006	RP(II)	Re-Appear
4134	LL.B (TYC) 6 th Semester	April-2006	RP(V(v))	Re-Appear

It is submitted by the respondents that as per Ordinance No.6 of the then applicable Ordinances, the petitioner was to clear the said re-appear of Paper-II (CPC) of 5th semester within 3 years of joining his 5th semester in July/August, 2005, i.e. upto April, 2008 and now, after a gap of 10 years from the date of admission in the 5th semester and after 7 years of the maximum period prescribed to clear the said examination, he cannot be allowed any further chance under the statutory ordinances to clear the 5th semester re-appear paper of CPC. Even otherwise, the University LL.B. Examination of CPC of 5th semester has already been held on 26.11.2015. Ordinance No.6 of the then applicable Ordinances, dealing with promotion to semester is reproduced as under:-

“Promotion to Semester

6. a) Promotion to second, third fourth and sixth semester classes will be automatic.
- b) A candidate will be promoted to fifth semester on clearing the eight out of ten papers of the first and second.
- c) The candidate shall be allowed to re-appear in the examination of a particular semester within three years of joining the said semester provided that the candidate shall appear according to the new syllabus prescribed from time to time.

However, the candidate shall complete his degree within five years from the date of joining the first semester. No student shall be promoted from first to second, second to third, third to fourth to fifth and fifth to sixth semester if he/she fails to appear in the lower semester examination.”

Counsel for the respondents has also submitted that there is no provision for a mercy/special chance and has relied upon an order passed in CWP No.6713 of 2016 titled as **“Hardeep Kaur vs. The Vice-Chancellor, Guru Nanak Dev University & ors.”**, decided on 08.04.2016, upheld in LPA No.662 of 2016 (O&M) decided on 25.04.2016, in which it has been held that the maximum duration of time to complete the LL.B. Three Years Degree cannot be extended and in the absence of any provision for mercy/special chance, it cannot be granted.

Faced with these submissions made by learned counsel for the respondents, learned counsel for the petitioner has submitted that the petitioner may be given the Detailed Mark Sheet of the examinations which he had passed at least of the Bachelor of Laws (Non-Professional) and in this regard, he has referred to Ordinance No.3 of the then applicable Ordinances, which reads as under:-

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“3. The examination of the degree of Bachelor of Laws shall consist of six semesters. A candidate who has passed in all papers of first four semesters shall be awarded a degree of B.L. (Bachelor of Laws non professional) stating division in which he/she has passed and percentage of marks obtained, if he/she does not continue his/her studies in the fifth semester. On his/her passing all the papers of six semesters he/she shall be awarded a degree of LL.B. (Bachelor of Laws Professional) stating the division and the percentage of marks obtained in the 5th & 6th semesters”.

I have heard learned counsel for the parties and examined the available record with their able assistance.

Insofar as the first prayer of the petitioner regarding grant of mercy/special chance to appear in the re-appear examination of CPC of 5th semester is concerned, it cannot be granted because the petitioner has not completed his course within the prescribed period and no provision of mercy/special chance has been shown by the petitioner and even the second prayer has to be declined because Ordinance No.3 provides that the Degree of Bachelor of Laws (Non-Professional) can only be granted if the candidate does not continue his/her studies in the 5th semesters. No doubt that the petitioner has passed his 4th semesters but he had continued his studies in the 5th semester as well, which he could not clear, therefore, the petitioner is not entitled to degree of Bachelor of Laws (Non-Professional) and Ordinance No.3 of the Ordinances goes against the petitioner.

Consequently, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

May 04, 2016
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(Rakesh Kumar Jain)
Judge