

CWP No.24179 of 2015

[1]

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

**CWP No.24179 of 2015
Date of decision:04.04.2016**

Amandeep Singh

...Petitioner

Versus

Guru Nanak Dev University

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.K.Rattan, Advocate,
for the petitioner.

Mr. Amrit Paul, Advocate,
for the respondent.

Rakesh Kumar Jain, J.

This petition is filed with a prayer to issue direction to the respondent-University to grant one extra special chance to the petitioner to clear one supplementary paper (Confectionary Technology) of 7th semester of the Course of B.Tech. Sugar & Alcohol Technology in the examinations which were to be commenced w.e.f. December 2015.

In short, the petitioner is a student of B.Tech. (Sugar & Alcohol Technology) in the Guru Nanak Dev University, Main Campus, Amritsar. It is a 4 years Degree Course having 8 semesters of 6 months' duration each. It is alleged that the Ordinances for Undergraduate B.Tech/B.Arch Degree Programmes in the faculties of Applied Sciences, Engineering & Technology and Physical Planning & Architecture were applicable to the

CWP No.24179 of 2015

[2]

petitioner. It is further alleged that the provisions of carry-on system, as mentioned in the University Calendar, Volume-III, 1999 was also applicable to the petitioner. It is alleged that the petitioner though had secured more than 50% marks in each semester but he has got supplementary in 7th Semester in the paper of “Confectionary Technology”. The 8th semester is a training semester which has already been undergone by the petitioner. He appeared in the supplementary exam of Confectionary Technology in December 2012 but failed. Thus, he has made a prayer in this petition that since the supplementary exams were likely to be commenced w.e.f. 01.12.2015, therefore, he may be given one extra special chance to clear it, as has been given to the other students in the past.

After notice, the University has filed its reply in which it is alleged that the petitioner was required to complete his course of 4 years/ 8 semesters in total 6 years starting from July 2009 to May 2015. It is further submitted that the petitioner has referred to a public notice dated 03.01.2012, issued/published by the respondent-University pursuant to the decision of its Syndicate taken vide para No.30 of its meeting dated 22.12.2011, as per which concession was granted by way of an extra special chance to such students *(i) of the Semester system who had taken the examination of their final semester upto May, 2011 but could not pass in one or more of the re-appear examination of their lower odd/even semester; (ii) of the Under-graduate and Post-graduate Annual System who could not pass their compartment subject even after availing themselves of all the chances; (iii) of the Semester System who were to take the examination of*

CWP No.24179 of 2015

[3]

their final semester in April/May, 2012, but could not pass the re-appear examination of some lower odd/even semester; and (iv) of the Semester System who had passed examination of their final semester but could not pass the re-appear examination of some lower odd/even semester after availing all the chances”.

It is submitted by counsel for the respondent that one extra special chance was given to the afore-mentioned type of students in the examinations of November/December 2011 and April/May 2012 by way of a concession over and above the normal special chance available under the applicable statutory Ordinances. It is further submitted that the petitioner, who had completed his course of studies and appeared in his last 8th semester examination in May 2013 and still had two more years by availing permissible special chances to complete his course upto the Examination of May 2015, is not similarly placed with the aforementioned students, who were given the said concession of one extra special chance in the academic year 2011-12, for the purpose of claiming parity with them in the academic year 2015-16.

It is also submitted that presently, even because of the respondent-University Syndicate's latest decision taken vide para No.68 of its meeting dated 14.10.2014, no further special chance over and above the period prescribed under Ordinance 3(f) read with Note-I below it, can be granted to the petitioner by the respondent-University in the examination of November/December 2015, to clear his said re-appear paper of odd, i.e. 7th Semester (Confectionary Technology) of the B.Tech. (Sugar & Alcohol)

CWP No.24179 of 2015

[4]

course in order to complete his degree during the period falling beyond May, 2015. It is also stated that the University examinations have already been over.

In this regard, he has relied upon a decision of this Court in the case of **Gurpreet Kaur vs. Punjab Technical University**, 2004(2) RSJ 238 in which it has been held that one time decision taken by Academic Council to give mercy chance to appear in semester examination to the students over and above maximum chances cannot be allowed/granted to the future examinations/students.

I have heard learned counsel for the parties and perused the available record.

The petitioner has basically relied upon a decision of the Syndicate of the respondent-University dated 22.12.2011 notified on 03.01.2012 but the said concession was only for the year 2012 and cannot be stretched further for the purpose of future examinations much-less in the year 2015. The prayer made by the petitioner has also become infructuous because the examination of December 2015, in which the petitioner wanted to appear by availing one extra special chance, is also over.

Consequently, no relief can be granted to the petitioner, in the present petition and hence, the same is hereby dismissed.

April 04, 2016
vinod*

(Rakesh Kumar Jain)
Judge