

SR. No. 266

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

CWP No. 772 OF 2016

Date of decision: 28.04.2016

Kapil Sharma

.....Petitioner

versus

Guru Nanak Dev University and others Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Suvir Sidhu, Advocate
for the petitioner.

Mr. Amrit Paul, Advocate
for the respondents.

Rakesh Kumar Jain, J.(Oral)

This petition is filed by the petitioner who is a student of LLB 3 year course from Guru Nanak Dev University, Amritsar. While he was taking the exam of Legal Ethics of 3rd semester on 11.12.2015, he was allegedly caught using unfair means in the examination by the Centre Supervisor. The petitioner was not allowed admission in the 4th semester on the ground that Unfair Means Case (UMC) is pending against him.

Thus, the petitioner has filed this petition in which besides making the prayer that he may be allowed to take admission in the 4th semester, he has also prayed that the proceedings initiated in the UMC against him on 11.12.2015 may be set aside and also that the UMC may be transferred to the Panjab University, Chandigarh.

At the time of notice of motion, the petitioner was

allowed to attend the classes of 4th semester by this Court. However, counsel for the respondents has filed reply today in court and has submitted that the case of UMC of the petitioner was considered by the Standing Committee(Unfair Means Committee) of the University and on 14.03.2016, the Committee held the petitioner *guilty for using unfair means in the examination centre and consequently, disqualified him for a period of two and two years each under Ordinance 10(k) & q (i), (ii) read with Ordinance 11.1 (b&f) from appearing in any examination to be conducted by this University. All the punishments shall run concurrently.*

Aggrieved against the order dated 14.03.2016, the petitioner has availed his remedy of statutory appeal as provided in clause 20 of the Ordinance provided in Calendar Vol. II of 2008.

Counsel for the petitioner has vehemently argued that the petitioner was not involved in the use of unfair means at the time of examination and has read over the letter/representation made by various students to the Vice Chancellor which are made part of the record.

That may be so but the fact remains that the Standing Committee of the unfair means of the University has taken a decision against the petitioner and has found him guilty of using unfair means in the examination, passed the appropriate order accordingly and the petitioner has already availed the remedy of statutory appeal in which he can take all the pleas, whatever available to him, for redressal of his grievance but so far this petition is concerned, it has out lived its life and has become

redundant and is dismissed as such.

28th April, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge