

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

CWP No.9013 of 2016

Date of Decision:16.05.2016

Sahil Gupta

.....Petitioner

Vs.

Panjab University and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Shekhar Kumar, Advocate for the petitioner.

Mr. Arun Kumar Bakshi, Advocate for Mr. Naveen Chopra,
Advocate for respondent No.1.

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed for issuance of a direction to the respondents to declare the result of the petitioner of B.Com 1st Semester exam, held in December, 2015 and to issuance of roll number for the examination of B.Com 2nd Semester, which is scheduled to be held on 17.5.2016.

The brief facts of the case are that the Department of University School of Open Learning (U.S.O.L.), Panjab University, Chandigarh issued a public notice, inviting the applications from the students to take admission in B.Com Ist Semester through Distance Education. The last date for submission of application form was 31.8.2015. It is alleged that the petitioner had applied online for the admission in the course of B.Com Ist Semester vide application No.114275 on 10.8.2015 and also deposited fee of ₹6750/- for the Ist Semester. The petitioner was issued an admit card for the examination of B.Com Ist Semester held on December, 2015. He was allotted the Roll No.15030110 and examination centre at DM College, Block-I, Moga. The petitioner appeared in the examination of Ist Semester

of B.Com held in December, 2015 as per schedule. Thereafter, he filled the form of B.Com 2nd Semester and deposited ₹3065/- as fee vide receipt dated 10.3.2016. The University declared the result of B.Com Ist Semester online on 16.3.2016 but the result of the petitioner was shown as “CS” (candidature suspended). It is alleged that the petitioner had approached the University, the Department of USOL and requested them to declare his result and also to issue his roll number for the examination of B.Com 2nd Semester but his request was not accepted. Hence, the present petition has been filed.

After notice, the respondents have put in appearance.

Learned counsel for the petitioner has submitted that once the petitioner has been given the roll number on the basis of which he had appeared in the examination of B.Com Ist Semester and has also paid the examination fee, the respondents have no jurisdiction not to declare the result of the petitioner which has been kept in the category of “CS”. It is also submitted that once the result of the petitioner of B.Com Ist Semester is declared, the petitioner would also be entitled to B.Com 2nd Semester examination for which he has already deposited the fees.

In support of his submission, he has relied upon decision of Hon'ble the Supreme Court in the case of Shri Krishan v. The Kurukshetra University, Kurukshetra, 1976 AIR (SC) 376 and a judgment of this Court in Reena Chauhan v. Kurukshetra University, Kurukshetra and others, 2011(2) PLR 651.

On the other hand, counsel for respondent No.1 has submitted that for the purposes of becoming a student of USOL, the candidate has to submit his admission form along with fee on the basis of a student is

registered with USOL and issued an enrollment/ registration number.

Although it is mentioned by the petitioner that he had paid the fee and admission was taken online but during the course of hearing, I had an opportunity to ask the petitioner personally about the admission form that as to whether he has submitted his admission form himself or through somebody. He has replied that he did not deposit the admission form personally rather he has given it to some agent at Moga whose particulars are not known to him. He has also admitted that the fee was also given to the said agent. The respondent has submitted that as per the record of the Bank maintaining the Account No.30822309578 pertaining to Panjab University, there is no record of ₹6750/- deposited by the petitioner in favour of the University. It is further submitted that there is also no record of the admission form submitted by the petitioner on the basis of which registration/enrollment number could have been issued to him.

It is submitted by counsel for the respondent that admit card has been generated on the basis of online application and the petitioner was allowed to take the examination. When these facts came to the notice of the Examination Branch of the University, it was put to the Department of USOL about the admission Form and the enrollment number of the petitioner which was not available because the petitioner had never sent his admission form on the basis of which enrollment/ registration number could have been generated. Learned counsel for the respondent has also shown to the Court the admission register maintained by the University of the students of the B.Com Ist Year in which the names of 1479 students are mentioned but for the petitioner. It is thus sought to be argued by the respondent that since the petitioner has never submitted his admission form,

therefore, he was not registered as a student and once he was not registered as a student, his result has been suspended accordingly.

I have heard learned counsel for the parties and perused the available record with their able assistance and am of the considered opinion that there is lack of evidence on the part of the petitioner to show that he had submitted admission form on the basis of which registration-cum-enrollment number was to be given to him but it is not mentioned anywhere in the petition and in the absence thereof, the petitioner cannot be considered to be a student of B.Com Ist Year and thus the University cannot rely upon the admit card which was generated online. As soon as the mistake came to the notice of the USOL, result of the petitioner was kept in the category of "CS" rightly and has not been declared. The judgments relied upon are not applicable to the facts and circumstances of the present case and are of no help to him.

In view of the aforesaid facts and circumstances of the case, I find no merit in the petition.

Dismissed.

Counsel for the petitioner, at this stage, submits that the University be directed to refund the fee of the petitioner of B.Com 2nd Semester. The respondent- University raised no objection rather it is submitted that as soon as an application is filed by the petitioner, the fee of the B.Com 2nd Semester shall be refunded to him within 15 days thereafter.

May 16, 2016
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(RAKESH KUMAR JAIN)
JUDGE