

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1100 of 2016 (O&M)

Date of Decision: August 19, 2016

Varinder Kumar

.....Appellant

versus

Panjab University and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

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

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J.

The appellant assails the order dated 04.04.2016 whereby learned Single Judge has dismissed his writ petition in which he sought quashing of the decision of the Panjab University in refusing to declare his result of B.P.Ed. on the ground that the B.Sc. (IT) Lateral Entry Examination passed by him from Vinayaka Missions University, Salem, Tamil Nadu, has not been recognized equivalent to B.C.A. Degree of Panjab University.

[2] The appellant is said to have obtained B.Sc.(IT) degree through Lateral Entry Examination from Vinayaka Missions University, Salem, Tamil Nadu. On the basis of that qualification, he got admission in B.P.Ed. course in a private College-respondent No.3. It appears that the College itself had a doubt on the eligibility of the appellant while granting him admission, therefore, it did not send the Admission Form alongwith original

documents to the University while seeking his registration with the

respondent-University. Such documents were sent by the College only after the appellant had appeared in the examination. The College opted to pay the penalty of Rs.2500/- for the delayed deposit of original certificates. As no exercise was ever undertaken by the University to consider the equivalence of the degree relied upon by appellant, hence the matter was sent to the General Branch and finally the question of equivalence of the two degrees was examined by the Academic and Administrative Committee of the Department of Computer Science and Applications, Panjab University, Chandigarh, in its meeting held on 07.06.2014. The Committee held that the degree relied upon by the appellant was not equivalent to B.C.A., namely, the graduation degree conferred by the Department of Computer Science and Applications, Panjab University. As the appellant was not found in possession of the requisite qualification, the University declined to declare his result and cancelled the admission. The action of the University has been upheld by the learned Single Judge.

[3] We have heard learned counsel for the appellant who relies upon Clause-11 of the Punjab University Instructions for admission in various Courses for the session 2013-2014. The said clause reads as follows:-

“...11. Admission to B.P.Ed. (Annual) One Year Course:-

A person who has passed any one of the following examinations shall be eligible to join the course:-

- (a) A Bachelor's/Post-graduate degree in any discipline of the Panjab University obtaining not less than 45% marks;
- (b) A Bachelor's/Post-graduate degree in any discipline of another University recognized by the Syndicate as equivalent to (a) obtaining not less than 45% marks.

Provided that a candidate admitted either under clause(a) or (b) qualifies in the Standard Efficiency Test, as defined by the Syndicate, at the time of admission to this Course.....”

(emphasis applied)

[4] It is urged that the University has cancelled the appellant's admission on the premise that his degree is not equivalent to BCA, whereas a Bachelor's/Post-graduate degree in any discipline of another University which is recognized equivalent by the Syndicate is sufficient provided that the marks obtained are not less than 45%.

We, however, find no substance in the contention. When question of equivalence arises within sub-clause(b), the Panjab University has to consider whether Bachelor's/Post-graduate degree of another University is equivalent to the corresponding degree conferred by it for the purpose of admission to B.P.Ed. Since the appellant is claimed to have obtained degree in B.Sc.(IT), its equivalence was rightly examined by the Department of Computer Science and Applications, Panjab University, to find out whether the said degree was equivalent to B.C.A. degree conferred by the University. As the degree relied upon by appellant has failed to qualify the test of equivalence, no case to interfere with the order under appeal is made out.

Dismissed.

[SURYA KANT]
JUDGE

August 19, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

LPA No.1100 of 2016 (O&M)

[4]

CM No.2281 of 2016 (O&M)

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Varinder Kumar versus State of Punjab and others

Present : Mr.Madhav Pokhrel, Advocate,
for the applicant-appellant.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 9 days' delay in filing the appeal is
condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

August 19, 2016
mohinder

(SUDIP AHLUWALIA)
JUDGE