

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No.3232 of 2014 (O&M)

Date of Decision: February 23, 2016.

Krishan Lal

.....APPELLANT(s).

VERSUS

University of Jammu and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. M.K. Dogra, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

2. This is second appeal against the concurrent judgments of the Courts below, dismissing suit of plaintiff seeking declaration to the effect that he is entitled to degree of B.Ed as per his admission with University of Jammu under Roll No.4625. He also sought mandatory injunction directing the defendants to release said degree and to restrain defendants No.3 and 4 from removing him from the post of ETT Teacher.

3. The case of the plaintiff, in brief, is that he had joined correspondence course of B.Ed. with Jammu University, which was of one year duration, during session 1995-96. He had also undergone the personal contact programme for 30 days. He appeared in examination but his result was not declared. When he inquired he was asked to deposit ₹525/- to send the detailed marks card. Later on, he got his detailed marks card and was declared pass. The degree was to be supplied to him in due course within two

years but the same was never supplied. Relying on the detailed marks card, he

applied for the post of Primary Teacher (E.T.T.) with defendant No.4 and was selected. For want of degree, defendants No.3 and 4 were threatening to remove him from service. After serving notice as required under Section 80 CPC, he filed the instant suit.

4. Defendants No.1 and 2 contested the claim of plaintiff inter-alia pleading that he had never passed B.Ed. examination conducted by the University in June 1997. The detailed marks card relied on by the plaintiff is dated 20.10.1997, while the result was declared on 24.10.1997. His result was initially withheld due to objections of his eligibility, which he cleared on 24.10.1997 and on the same day, his result was declared. He was shown fail in theory having 225 marks in practice of teaching. He was issued mark-sheet bearing No.4615 and not 2805. The detailed marks card dated 20.10.1997 was a fake document.

5. On appraisal of evidence on record, both the Courts below found that the details marks card placed on record by the plaintiff was not genuine. He failed to produced on record the original mark-sheet. His result of B.Ed. correspondence course, which he had joined with Jammu University, shows that he had failed during that session.

6. On perusal of the record and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

7. No question of law what to talk of substantial question of law requiring determination arises in this appeal, which has no merits.

8. Dismissed.

February 23, 2016.

Sachin M.

**(SURINDER GUPTA)
JUDGE**