

CWP No.14707 of 2016

[1]

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

**CWP No.14707 of 2016
Date of decision:15.03.2017**

Basant Kamboj

...Petitioner

Versus

Panjab University, Chandigarh and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.S.Dhanda, Advocate,
for the petitioner.

Mr. Indresh Goel, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner is a student of B.A.LL.B. 5 Year Integrated Course in the University Institute of Legal Studies, Panjab University, Chandigarh (hereinafter referred to as the "UILS"). He has prayed for the issuance of a writ in the nature of *mandamus* seeking a direction to the respondents to admit him in the 9th semester (5th year) of the session 2016-2017, after condoning the shortage of lectures of the 8th semester. According to the petitioner, he had stones in his gallbladder, for which he had to undergo a surgery in a hospital at Jagadhri. According to the medical record, he was admitted in the hospital on 06.01.2016 and discharged on 08.01.2016 and, thereafter, due to post operation complications, he was re-admitted in the hospital on 09.01.2016 and discharged on 13.01.2016. Thus, the petitioner did not attend classes of the 8th semester and had

shortage of 177 lectures.

According to the petitioner, he was advised bed-rest for 40 days. He submitted an application on 26.02.2016 along with medical record for the purpose of condonation of shortage of lectures and submitted another application on 12.05.2016 for re-examination of the medical certificates.

After notice, the respondents filed the reply in which it is alleged that the petitioner has been detained according to rules and since he was not allowed to sit in the examination, therefore, he was not promoted in the next semester(s). While referring to the Handbook of Information 2015 in respect of the admission and promotion to B.A.LL.B. 5 Years Integrated Course, it is submitted that the petitioner has been detained in accordance with law. It is further submitted that the petitioner is a habitual absentee and in order to highlight his previous conduct, reference has been made in respect of his lectures in 6th and 7th semesters as well, which are reproduced as under for ready reference:-

6th semester

Delivered	75.00%	Attended	Shortage	Medicals	Other benefits	Final shortage
285	214	102	112	Not Submitted	87	25

7th semester

Delivered	75.00%	Attended	Shortage	Medicals	Other benefits	Final shortage
293	220	95	125	46	29	50

It is averred in the reply that there was a shortage of 25 lectures in the 6th semester but the Academic Committee and Board of Control of the

UILS condoned those 25 lectures under Rule 2(a) contained in the Handbook of Information. With regard to shortage of 50 lectures in the 7th semester, the case of the petitioner was forwarded to the Vice-Chancellor for condonation of lectures, who allowed the condonation of lectures to the petitioner enabling him to appear in the 7th semester examination held in November/December 2015 and, thus, he was promoted to 8th semester in January 2016.

The respondents have also referred to the shortage of lectures of the petitioner in the 8th semester by way of a chart, which is also reproduced as under:-

Delivered	75.00 %	10% of delivered	Attended	Shortage	Medicals	Other benefits	Final shortage
306	230	31	53	177	237	63	148

It is averred that the total shortage of lectures in the 8th semester is 148. It was the case of the petitioner that the Chief Medical Officer of the University sanctioned only one week's medical leave on the ground that there was no complication without taking into consideration the certificate of the doctor attending the petitioner who had advised him bed-rest. The said certificate is attached with the writ petition as Annexure P-3, which was ordered to be reconsidered vide order dated 26.08.2016. The said certificate was reconsidered, benefit of medical leave of 15 days was given and after giving all benefits, shortage of 102 lectures was found.

The Registrar of the University also filed an affidavit on 20.01.2017 in order to show the final position of 8th semester attendance of the petitioner in regard to 40 days medical leave recommended by the Medical Board of the Panjab University, as per which the petitioner was still

short of lectures.

The petitioner filed an affidavit dated 20.02.2017 in which he has alleged that he had participated in Arguendo Fest in Panjab University and was a volunteer in the 5th UILS National Client Counseling Competition held on 18th - 19th March, 2016, due to which he could not attend the lectures and claimed that he may be given concession of 10 lectures in this regard.

The respondents has filed another affidavit of the Registrar of the Panjab University dated 08.03.2017, in which he has averred that the 2nd UILS National Law Fest Arguendo, 2016 was held from 17th to 19th March, 2016 (Thursday, Friday and Saturday) and no classes were held on these days in the Department, therefore, there was no question of giving benefit of attendance for these days because no classes were held. It is also averred that in the meeting of the Academic Committee held on 20.04.2016, benefit of 6 lectures was decided to be given to the participants/volunteers who participated in the Law Fest including Moot Court Competition, Client Counseling Competition, Debate, Fest, Ad mad show etc. but the petitioner did not participate in the National Law Fest Arguendo 2016 and a list of the participants is also attached. It is further averred that as per Rule 1.1 regarding Deficiency in Lectures mentioned in Chapter XV, Volume-III, 2009 at page 263, the condonation of lectures cannot be claimed as a matter of right.

Counsel for the petitioner was specifically put a question in the Court to show that he had participated in the UILS National Law Fest Arguendo 2016 on account of which he was claiming concession of 10

lectures but he could not produce any evidence contrary to the one produced by the respondent-University by way of a list of the students who had participated in the said Fest, in which name of the petitioner is conspicuously absent.

Counsel for the respondents has also relied upon two decisions of this Court rendered in the cases of **Arjun Singh Lather vs. Panjab University, Chandigarh and others**, CWP No.25719 of 2015, decided on 26.05.2016 and **Anukampa and others vs. University Institute of Legal Studies and others**, CWP No.2837 of 2016, decided on 12.05.2016 to contend that despite giving all possible concessions to the petitioner, the shortage of lectures cannot be condoned.

After hearing learned counsel for the parties and examining the available record with their able assistance, I am of the considered opinion that there is no fault on the part of the respondents in not condoning the shortage of lectures of the petitioner. The petitioner was admitted in the hospital on 06.01.2016 and was discharged on 08.01.2016 after the operation and post operation, he was re-admitted on 09.01.2016 and was discharged on 13.01.2016. As per the petitioner, he could not attend the classes as he was advised bed-rest from 06.01.2016 to 15.02.2016 by the doctor attending to him but there was a shortage of 177 lectures as out of 306 delivered lectures, the petitioner attended 53 lectures only and 177 lectures were found short out of the mandatory 75% (230) lectures required to be attended by a student. In the past also, i.e. 6th and 7th semester, the petitioner was short of lectures but he was promoted to take exams after lectures were condoned because in the 6th semester, there was a shortage of

25 lectures and in the 7th semester, there was shortage of 50 lectures but this time, the final shortage is of 148 lectures after giving all the benefits but ultimately as per the table given by the Registrar of the respondent-University, the petitioner is still short of 11 lectures after giving all sort of relaxations. The petitioner is, thus, found to be a habitual absentee. It is also held by this Court in **Arjun Singh Lather's case (supra)** that in such type of cases, no relaxation can be given because the ailment is not such which has kept the petitioner bed-ridden and there are shortage of too many lectures even after allowing all sort of concessions.

Thus, keeping in view the totality of the facts and circumstances, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

March 15, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No