

CWP No.12099 of 2017

[1]

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

**CWP No.12099 of 2017
Date of decision:30.05.2017**

Rahul Watts

...Petitioner

Versus

Director, PEC University of Technology and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sanjay Judge, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner, a student of 8th semester of the Mechanical Engineering in PEC University of Technology, Chandigarh, was found in possession of two mobile phones by the Flying Squad while he was taking examination of Energy Conversion on 04.05.2017. It is alleged that after confiscation of the mobile phones, a committee was formed and a meeting was called on 12.05.2017 and the petitioner was held guilty for using unfair means as carrying of mobile phones while taking the examination was banned.

Counsel for the petitioner has not denied that the petitioner was found in possession of two mobile phones while taking the exam and has also not denied that if a student is found in possession of any electronic gadgets except for a non-programmable calculator, then he would be guilty of using unfair means during the examination. All that has been argued is that the petitioner has not been given opportunity of hearing by the committee.

After hearing learned counsel for the petitioner and examining the

available record, I am of the considered opinion that there is no merit in the present petition because it has been admitted by the petitioner even before the Dean (Academic Affairs) that he has been found in possession of two mobile phones. However, he has tried to explain that one of the phones was an android phone with faulty network connection in switched on condition and the other was in switched off condition. He also stated that the phone do not carry any objectionable content relating to the examination of Energy Conversion and it remained with him due to his negligence but without any motive to cheat.

The admission on the part of the petitioner is self-speaking because the Rule regarding 'use of unfair means' is very categorical in which it has been provided that the student cannot possess any electronic gadgets except a non-programmable calculator and the petitioner, being a student of 8th semester of the Engineering stream, that too of the Mechanical Engineering, very well knew about this fact and should have been vigilant about it. The very fact of carrying two mobile phones at the time of examination, having certain files of the concerned subject, is sufficient to hold that the petitioner has done it deliberately.

Thus, I do not find any error in the impugned action of the respondents and hence, the present petition is hereby dismissed.

May 30, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No