

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

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**CWP-13960-2017
Decided on 02.08.2017**

JAGPREET SINGH

....PETITIONER

VS

GURU NANAK DEV UNIVERSITY AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Nikhil Anand, Advocate
for the petitioner.

Dr. Puneet Kaur Sekhon, Advocate
for the respondents.

AJAY TEWARI, J.(Oral)

By this petition the petitioner has alleged that one answer in the paper of Transportation Planning of 4th Semester attempted by the petitioner was not marked and if that were marked, he would be promoted to 5th Semester. On the other hand, the stand which has come out in the written statement is that the paper was shown to the petitioner as per practice, and he never made any such claim. Thereafter, as per Rules of the University the papers had to be retained by the examiner for a period of 6 months. The examiner put the papers in his room in the department and locked the same and proceeded on ex-India leave and, after returning back joined the duty on 3.7.2017. He immediately noticed that there were some scratch marks around the bolt of the padlock of his room and reported it to the Head of the Department that somebody seemed to have broken into his room but was not at that point

of time able to ascertain what the purpose was. As per the University, there is a likelihood that it was the petitioner who broke into the room and attempted the question so as to create this false case. This fact is hotly denied by the counsel for the petitioner who states that once the paper was in the custody of the respondents there was no way that he could tamper with it and now once it is shown that one answer is unmarked the benefit thereof has to be given to the petitioner.

In my opinion, these are pure questions of facts. There is no doubt that one answer in the paper of the petitioner is unmarked. There is also no doubt that immediately after returning from leave the respondent No.5 made a complaint that there were indications to state that his room had been broken into. As a matter of fact, it is stated that the respondents are contemplating for filing an FIR for this action. The Court is not in a position to give a determinative finding as to whether the petitioner or the respondents are correct and have expressed my inability to the counsel for the petitioner to grant any relief to the petitioner. Counsel for the petitioner states that in that event he should at least be permitted to pay the fees for the 3rd semester which he would now have to repeat. On instructions from the Dean Academic Affairs, respondent No.5 who is present in the Court states that even though the last date for deposits the fee was 11.7.2017 yet if the petitioner now deposit this fee on or before 11.8.2017 his fees would be accepted and he would be permitted to join the study in the 3rd semester. Ordered accordingly.

Petition stands dismissed with the above observation.

Since the main case has been decided, the pending civil

miscellaneous application, if any, also stand disposed of.

02.08.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No