HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.25240 of 2013 (O&M)
Date of Decision: 13.07.2017

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Hemangi ... Petitioner

VS.

Panjab University, Chandigarh & Ors. ... Respondents

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CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL

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Present: Mr. Rahul Sharma, Advocate for the petitioner

Mr. Indresh Goel, Advocate for the respondents

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SURYA KANT, J. (Oral)

(1) Petitioner was admitted in B.Com. LL.B. (Hons.) Five-Year Integrated Law Course in the Academic Session 2012-2013 in the University Institute of Legal Studies (UILS), Panjab University, Chandigarh. The University withheld the petitioner's admission to 3rd Semester due to non-achieving of the eligibility criteria, namely, that she failed to clear 50% papers of 1st & 2nd Semesters. She approached this Court through the instant writ petition challenging the very criteria, which required her to quality 6 out of 12 exams of 1st and 2nd Semesters for being eligible to 3rd Semester. This Court vide interim order dated 19.11.2013 allowed the petitioner to appear in the 3rd Semester examination provisionally. Her result of 3rd Semester examination has not been declared as the petitioner is yet to be assessed for 20 marks of internal assessment. However, such like interim orders were passed from time to time, reaching to a stage where the petitioner has qualified one after the other Semester including the last 10th Semester examination in which she appeared in May/June 2017. The result of her last Semester is awaited.

(2) The only objection at this juncture taken by the University is based upon its earlier decision dated 19.08.2014, requiring the petitioner to attend the

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classes of 3rd Semester so that she can be allotted project for the purpose of award of marks of internal assessment.

(3) It may thus be seen that the petitioner's result of 3rd Semester can be declared only after she submits the project and marks of internal assessment are awarded, for which, according to the respondent-University, she is required to attend the classes of 3rd Semester.

(4) Learned counsel for the petitioner, however, has rightly pointed out preliminary submission No.5 of the written statement dated 21.03.2014 filed by the respondent-University, which reads as follows:-

> *"5. That the petitioner has not come to this Hon'ble Court with clean hands and therefore petition is liable to dismiss. It is submitted that the petitioner has been attending the classes of 3rd semester which she was not entitled to without paying any tuition fee or clearing the 50% papers criteria, this shows the strong headedness of the petitioner. The petitioner cannot circumvent the rules and regulations which are laid down for all the students which would cause prejudice (to) the institution but also the other students which mandates 75% lectures in the ongoing classes."*
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> (emphasis applied)

(5) In view of the candid admission made by the University that the petitioner has been attending classes of 3rd Semester even when she was not entitled to, it appears that the petitioner has substantially complied with the condition imposed by the Academic Committee on 19.08.2014. The petitioner can, thus, be allotted the project which she may submit within the given time,

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whereupon she deserves to be awarded requisite marks under internal assessment.

(6) In view of the fact that the petitioner has completed the entire Five-Year Integrated Law Course, we do not deem it necessary to go into the other contentions raised by learned counsel for the parties. The interim orders passed by this Court from time to time are made final. Consequently, the petitioner would appear before the Director, UILS, who, in turn, will ensure the allotment of project to the petitioner within *one week*. The petitioner shall be required to submit the project report within the stipulated period and no sooner such report is submitted, the Institute shall award necessary marks of internal assessment to her, followed by declaration of her result of 3rd Semester. Similarly, the result of the petitioner's 10th Semester examination shall also be declared along with other candidates.

(7) The writ petition stands disposed of in above terms.

(Surya Kant)
Judge

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(Sudhir Mittal)
Judge

1. Whether speaking/reasoned? ***Yes***
2. Whether reportable? ***No***

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