

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

CWP No. 22222 of 2016 (O&M)
Date of decision : November 16, 2017

Yatin Sardana

..... Petitioner

v.

Kurukshetra University and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Tarun Dhingra, Advocate
for the petitioner.

Mr. AS Virk, Advocate
for respondents No.1 to 3.

Mr. PS Bajwa, Advocate
for respondent No.4.

Ajay Tewari, J (Oral)

By this writ petition, the petitioner has challenged the action of the respondents in granting him only one mark in the first semester and zero mark in the second semester out of 20 marks in the internal assessment.

As per the University Calendar, criteria for granting marks for internal assessment is that maximum 10 marks can be awarded for hand written assessment, 5 marks can be awarded on the basis of performance in the class test and between 1 to 5 marks can be awarded for attendance between 65% to 100%. The case set up in the writ petition is that as per the

University Calendar, only those students would be allowed to take part in the university examination who have attended 75% lectures and have taken all the monthly and house examinations. Argument developed is that once the petitioner was permitted to take the University examinations, it meant that he had fulfilled the conditions mentioned above.

In the reply, respondent No.4 has pointed out that in the subject of Business Math, the petitioner attended 9 out of 63 classes in the first semester and 9 out of 64 classes in the second semester. He did not submit any hand written assessment in both the semesters and obtained one mark in one class test and zero marks in the other class test. A replication has been filed in which these facts have not been disputed but a case is being sought to be built up on the ground that some other students who also did not have high attendance were given more marks.

In my opinion, this writ petition has to fail. In the first instance, it was incumbent upon the petitioner to have mentioned what were his attendance figures, and to aver whether he had submitted any hand written assessment. Not having done that, it would be taken that these facts are admitted. The argument that he would be deemed to have fulfilled the conditions once he was permitted to take the University examination can also not be accepted. It is possible that the petitioner had higher attendance in the other subjects and was, therefore, able to make up the attendance requirements. Further, the fact that he was permitted to take the University examination even though he did not attend one class test may be irregular but in the absence of any assertion or material by the petitioner that he in fact took the class tests, no benefit thereof can be granted to him. Consequently, finding no merit in this writ petition the same is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

November 16, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No