

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23577 of 2015
Date of Decision: 16.05.2017

Mohit Chhikara

....Petitioner

Vs.

Maharshi Dayanand University and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

Mr.Amit Rao, Advocate, for
Mr.Anurag Goyal, Advocate,
for respondents No.1 and 2.

Mr.Amrit Paul, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for seeking a writ in the nature of certiorari for quashing of two letters of dated 25.4.2015 dated 05.06.2015 and 28.08.2015 issued by respondent No.1 and further for a writ in the nature of mandamus for directing respondents No.1 & 2 to declare the result of the improvement examinations of 5th, 7th & 8th semester held in the month of December 2015.

In short, the petitioner got admission in the college of respondent No.3 on 20.08.2007 in Bachelor of Technology (Mechanical Engineering) for the session 2007-2011 vide Registration No.07-MREF-838. It was 4 years duration course, which was successfully cleared by the petitioner and obtained degree on

31.3.2012. Thereafter, in order to improve his marks, the petitioner sent an email on 27.8.2014 and sought clarification from one Vardaan Verma as to whether he is eligible to appear in the improvement examination in December 2014 after a gap of three years of passing B.Tech. The said Vardaan Verma informed the petitioner that he is eligible to take the examination. Accordingly, the petitioner applied for improvement in the said subjects but his result has been detained by the respondents on the ground that the petitioner had applied for improvement in three subjects after the completion of seven years. The respondents, in this regard, have relied upon Clause 7 of the University Calendar Volume II Part A of the 2005 [for short 'the Calendar'], which read as under: -

“A candidate who is unable to pass the Bachelor of Engg./Bachelor of Technology course within a maximum seven consecutive academic years for the date of his admission shall not be eligible for appearing in any subsequent Bachelor of Engg./Bachelor of Technology examinations.”

The case of the respondents is that Vardaan Verma was not authorized to inform the petitioner about his eligibility because the said person was only working with NYSA company and not with the University.

Learned counsel for the petitioner, however, submits that the petitioner is still eligible for another chance which may be called a 'mercy' chance but the respondents have denied it on the ground that

it is not a right vested with the petitioner and he had not availed the said chance from the University in that perspective. He has rather applied to the University alleging that he is eligible because the period of 7 years had not expired.

Be that as it may, there is no dispute that the period of 7 years is a *sine qua non* for completing the degree of engineering in which the petitioner was studying. The petitioner has though completed his degree within a period of 4 years as provided, as he obtained the degree on 31.3.2012, but he was not satisfied with his performance in three subjects and thus, after a period of three years he applied on 27.8.2014 for the improvement in the said subjects by sending email to the University and was wrongly informed by somebody working in NYSA i.e. the company working for the university website, that the petitioner is eligible and on that basis the petitioner had applied for improvement, treating himself eligible for the purpose of taking examination.

The issue involved in this case is “*as to whether the University is right in not declaring the result of the petitioner on the ground that after the expiry of 7 years in terms of Clause 7 of the Calendar, the degree cannot be revised*”?

To my mind, all the students of the university are governed by the provisions of the Calendar much less the university itself and in the Calendar it is specifically provided that the total duration for completing the course of Bachelor of Technology is 7 years and not beyond that. The 7 years period had already expired in the month of May, 2014 if the academic session is taken into

consideration but in case the date of admission is to be taken into consideration, which was 20.08.2007, even that had also expired on 20.8.2014 and the petitioner had applied through email, after the expiry of that date i.e. on 29.8.2014 for the purpose of seeking improvement in three subjects that too after the period of three years from the date he had obtained the degree. Had the petitioner applied in time, then the matter would have been altogether different as his case would have been covered by Clause 7 of the Calendar but in the present facts and circumstances, the case of the petitioner is not covered by Clause 7 of the Calendar and thus the university cannot be blamed for not declaring the result of the petitioner.

Insofar as the argument of learned counsel for the petitioner is concerned that the university still can grant mercy chance, it is not a legal right to be claimed rather it is a discretion on the part of the university for which the petitioner had never applied and thus, the case of the petitioner cannot be considered in that perspective. No other arguments have been raised.

Thus, in view of the above, there is hardly any reason with this Court to interfere in this petition and as such the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

16.05.2017

Vivek

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*