

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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*CWP No.24787 of 2016*  
*Date of Decision:-14.03.2017*

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Raman Deep Kaur Sidhu

..... Petitioner

**Vs.**

Panjab University

..... Respondent

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**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

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**Present: -** Mr.Raman Singh Dhanda, Advocate,  
for the petitioner.

Mr.Indresh Goel, Advocate,  
for the respondent.

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***RAKESH KUMAR JAIN, J. (ORAL)***

The petitioner has challenged the validity of the letter/order dated 4.10.2016 (Annexure P-7) issued by the Assistant Registrar (R&S), Panjab University, Chandigarh to the Principal, Department of Laws, Panjab University, Chandigarh requesting to strike-off the name of the petitioner from the rolls of the college from where she has been pursuing her LL.M-Ist Semester in Criminal Law.

In short, the petitioner passed her LL.B five year course from Baba Farid Law College, Faridkot, affiliated to Punjabi University, Patiala in the year 2011 in Ist division. Thereafter, the petitioner passed her LL.M in Business Law from the Kurukshetra University, Kurukshetra through distance education in the month of May 2014. She appeared in the entrance test held in the month of June 2016 for LL.M course offered by Panjab

University in which she secured 17<sup>th</sup> rank in the merit list. The petitioner appeared in the counselling, showed her all original documents including the degree and DMC of Masters of Law which she had obtained from the Kurukshetra University and was granted admission in the LL.M -1<sup>st</sup> semester for the year 2016-17. It is alleged that the petitioner also mentioned about the LL.M degree obtained by her from the Kurukshetra University in the admission form and also submitted an affidavit of the gap year. She also deposited the fee of the said course of ₹46817/-. The classes of LL.M-1<sup>st</sup> semester started in the month of August 2016. She attended the classes regularly and also gave presentations in the month of October and November. The petitioner on the basis of her admission in LL.M-1<sup>st</sup> semester was allotted a room in the Mata Gujri Hall (Girls Hostel No.1), Panjab University in the month of August for which she had also paid ₹9097/-. The petitioner, however, was informed in the month of October by the Department of Laws that she is not eligible for admission, to the above course as she had already passed LL.M in the year 2014, in view of Regulation 10 at Page 18 of P.U. Calendar, Volume-II, 2007 in which it is provided that *“Unless otherwise provided a person who has already passed an examination of this or any other University shall not be permitted to reappear in that examination or a corresponding examination”*. The petitioner was also informed that vide letter No.10019, issued by the Assistant Registrar (R&S) to the Principal, Department of Laws, Panjab University that she has been found ineligible for admission in LL.M-1<sup>st</sup> semester and that her name is struck-off from the roll of the college. The Panjab University thereafter returned the original documents to the petitioner and thus the present petition has been filed.

Learned counsel for the petitioner has submitted that the provisions of Regulation 10 of the Regulations are not applicable to the case of the petitioner because the petitioner has not sought admission in LL.M in Business Law rather she has sought admission in LL.M in Criminal Law. He has also submitted that the Panjab University has offered LL.M in two disciplines i.e. Criminal Law and Constitutional Law. The case set up by the petitioner is that had the petitioner sought admission in a discipline in which she had already secured degree of LL.M either from the Panjab University or any other University or she wanted to re-appear in that examination or a corresponding examination then the matter would have been different but since the petitioner has not sought admission in the discipline in which she has already secured masters degree, the University has committed an error in striking of her name from the rolls of the college and returning her original documents. It is thus submitted that the petitioner is entitled to continue her studies to acquire degree of LL.M in Criminal Law from Panjab University and therefore, prays that an appropriate direction may be issued to the Panjab University to allow the petitioner to continue her studies after accepting all her original documents again with requisite fee, if any.

On the other hand, learned counsel for the respondent has submitted that the name of the petitioner has been struck off because she has already acquired LL.M degree from the Kurukshetra University and the Panjab University is only offering LL.M degree *de hors* the discipline namely, Criminal Law and Constitutional Law. He has also submitted that Regulation 10 of the Regulations squarely covers the case of the petitioner, therefore, the impugned order has been passed and that the petitioner has misled the University by not mentioning in the affidavit that she had already

hearing it is admitted that the petitioner had specifically attached the documents of the degree obtained in LL.M in Business Law at the time of counselling.

I have heard both the learned counsel for the parties and examined the available record with their able assistance.

The issue involved in this case is with regard to the interpretation of Regulation 10 at Page 18 of Panjab University Calendar, Volume-II, 2007, which has already been mentioned in the earlier part of the order. There is no doubt that the Panjab University has offered LL.M in two disciplines namely, Constitutional Law and Criminal Law, meaning thereby, the Panjab University is not specifically offering LL.M in Business Law, which has been offered by the Kurukshetra University, Kurukshetra. The words used in Regulation 10 of the Regulations are that of debarring a person/student, who has already passed an examination either from Panjab University or any other equivalent university, to reappear in that examination or a corresponding examination. Insofar as the word 'in that examination' is concerned, it does not require any explanation or interpretation but the word 'correspond' requires interpretation. The word 'Correspond' is defined in the concise Oxford English Dictionary, Indian Edition, in which it is mentioned as having a close similarity; match or agree almost exactly. Be analogous or equivalent. Thus it would mean that the student had either a reappear in the examination in which he/she has already passed or of a similar kind of examination.

The respondent's case is that the examination means Masters of Law whereas the case of the petitioner is that examination means Masters of Law in a particular discipline. Had it been Masters of Law only, the University would not have offered two types of courses i.e. LL.M in

Constitutional Law and Criminal Law. Once, it is provided that the University has offered two types of courses in LL.M, to be pursued by a student, who wanted to do the same after completing his/her graduation, then from the DMC available on record of the petitioner, the LL.M. course which she had passed from the Kurukshetra University, Kurukshetrar, it is apparent that she has not studied a single subject of Criminal Law during that period. All the subjects, which have been taught to her are relating to Business Law i.e. Research Methodlogy, Law of Banking & Negotiable Instruments, Law of Indust. & Intellectual Property, Insurance Law etc. etc.

Thus, it is apparent that the petitioner has not done LL.M in the same subject from the University other than the Panjab University for which she can be debarred by the Panjab University and the discussion hereinabove leads to a conclusion that the action of the respondent-University is patently illegal in striking the name of the petitioner from the rolls of the college where she has been pursuing her studies of LL.M in Criminal Law and hence its action in returning the original documents to her is vide letter dated 4.10.2016 (Annexure P-7) is hereby quashed and direction is issued to the Punjab University/respondent to accept the original documents of the petitioner and allow her to continue with her studies in LL.M in Criminal Law.

Disposed of.

14.03.2017

*Vivek*

**(RAKESH KUMAR JAIN)**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*