

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

390

Decided on : 20.9.2017

1. CWP-26802-2015 (O&M)

SANJIV KUMAR

....PETITIONER

VS

MAHARISHI DAYANAND UNIVERSITY

....RESPONDENT

2. CWP-14774-2016(O&M)

SANJIV KUMAR

....PETITIONER

VS

KURUKSHETRA UNIVERSITY AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Munish Garg, Advocate and
Mr. Kanav Bansal, Advocate
for the petitioner in CWP-26802-2015.

Mr. Kiran Pal Singh, Advocate
for the petitioner in CWP-14774-2016

Mr. A.S.Virk, Advocate
for respondent No.1 in CWP-14774-2016

Mr. B.L.Gupta, Advocate
for respondent No.2 in CWP-14774-2016
for the respondent in CWP-26802-2015.

AJAY TEWARI, J.(Oral)

These two petitions have been filed by the same person and are
being decided together.

The admitted facts are that the petitioner did his B.A-I and B.A.-II from Eastern Institute for Integrated Learning in Management University (EIILMU), Sikkim under the distance Education mode. Thereafter, he sought and obtained admission under the Lateral Entry Scheme of the Maharishi Dayanand University and passed his B.A-3rd year from there. This Lateral Entry Scheme was introduced by the Maharishi Dayanand University in the Session 2011-12 and following provision was made to govern the same:-

(a) The eligible students admitted, under lateral entry scheme, in the DDE to pursue any of the programmes offered by it, be awarded a Degree for the concerned programme only for the period he/she remained a student of the Directorate. For example, if a student was admitted in July 2011 in the 2nd year of B.A. in the DDE (after passing 1st year of B.A from KUK), he/she may be awarded a degree of B.A. mentioning “Bachelor of Arts (Under Lateral Entry Scheme) and the the division may be mentioned on the basis of marks he/she has obtained in two years only.

In terms of this Rule he was awarded the degree of B.A dated 30.9.2014 but the marks were mentioned only on the basis of that one year in which he had studied in the Maharishi Dayanand University. By CWP No.26802-2015 he has prayed that the Maharishi Dayanand University be directed to issue him a result after calculating marks he obtained in B.A-1st and B.A-2nd year also. However, no challenge has been made to the Rule quoted above. Even during arguments no challenge has been made to the Rules but it has only been argued that once the admission was given, it was incumbent upon the Maharishi Dayanand University to have declared his result after calculating all the 3 years marks.

In my opinion, these petitions must fail in view of this Rule and consequently, is rejected. The story does not end there. After having finished his B.A-IIIrd year the petitioner obtained admission in one year diploma course in Yoga in Kurukshetra University, Kurukshetra. There is dispute about that course also but no challenge has been made thereto. However, when his documents were sent to the University for registration it was discovered that there was no consolidated Detailed Marks Certificate of B.A and as he was never registered as a student and resultantly, his result could not be declared. In the year 2016, while this controversy was still simmering the petitioner sought admission in the LLB Course. Again this admission was denied to him on the same ground and that is why he filed CWP-14774-2016 and by an interim order the Kurukshetra University, Kurukshetra was directed to consider his candidature for admission and it was stipulated that this would be provisional and would not create any equity in his favour. Since by that time first semester classes were over and he was given admission in 2nd semester and is at present prosecuting the first semester course.

In the written statement, it was pleaded that not only the petitioner did not have a consolidated Detailed Marks Certificate, the other reason why he could not be considered was his B.A-1st year and B.A-2nd year examinations were unauthorized. It transpires that some other candidates who had obtained B.A from the Eastern Institute for Integrated Learning in Management University (EIILMU), Sikkim by way of distance education had obtained admission in various courses in Kurukshetra University, Kurukshetra. Their admission were cancelled on the ground that that Eastern Institute for Integrated Learning in

Management University (EILMU), Sikkim was not authorized to give B.A degree by distance education mode. Those students filed *CWP No. 8062-2014* titled as “*Devki Nandan and another vs. Kurukshetra University and others*” and other connected cases and by judgment and order dated 17.12.2015 the action of the University was upheld and it was held that the said institute was not authorized to give B.A. Degree by distance education mode. Counsel for the petitioner is not in a position to cite any contrary judgment. In the circumstances, it has to be held that his B.A-I and B.A-II examination were not valid and therefore, neither can the result of his post graduate diploma in Yoga be declared nor he can be allowed to prosecute his LLB course.

Learned counsel for the petitioner has further argued that this decision would actually push the education of the petitioner back to 12th class and the effect will be that his entire education for the last 6 years will be rendered naught. This Court has sympathy with the petitioner but also cannot help noticing that this whole mass is of his own creation. Interestingly, both the petitions have been very well drafted and the fact that he had done B.A.-I and B.A.-II by distance education mode has not been disclosed. This fact had come up only in the written statement filed by the Kurukshetra University, Kurukshetra in CWP No. 14774-2016 and at that stage, I asked learned counsel for the petitioner pointedly whether the petitioner had passed his B.A.-I and B.A.-II from a regular course (in which case his both the petitions would have to be allowed) or if he had done it by distance education mode. Counsel for the petitioner is not in a position to provide any material to show that the petitioner had passed his B.A.-I and B.A.-II from a regular course. This coupled with the

fact that no replication was filed makes it clear that he had done his B.A-1 and B.A-II by distance education mode. It is clear that the petitioner is not such an innocent as he is trying to be painted by his counsel.

In the circumstances, both the petitions stand dismissed.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

20.9.2017
anuradha

(AJAY TEWARI)
JUDGE

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