

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

CWP No. 9445 of 2014 (O&M)
Date of decision : August 09, 2017

Jitender Gauri

..... Petitioner

v.

National Institute of Technology and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Keshav Partap Singh, Advocate and
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. AS Virk, Advocate
for the respondents.

Ajay Tewari, J (Oral)

This writ petition has been filed challenging the action of respondent No.1 in not permitting the petitioner to take the remaining exams of his four years degree course.

The dispute has festered for the last more than one decade. The petitioner was originally not allowed to take admission in the 5th semester because he had not cleared the examination of his 1st and 2nd semesters. His claim was rejected by this Court as well as by the Supreme Court. The Supreme Court, however, permitted him to pursue his remedy before the respondent. On his application, respondent No.1 permitted him to take admission in the 5th semester. However, by the time he reached 7th semester, it transpired that a period of eight years had elapsed from the date

of his first admission and as per the norms, a maximum period of eight years had been prescribed for completion of that degree and consequently he was not granted admission in the 7th semester. He challenged that order also but that petition was also dismissed. This writ petition has been filed on the ground that thereafter respondent No.1 gave a mercy chance and permitted other students who had also not completed their course in 8 years to take the pending examination/s.

Notice having been issued, respondent No.1 has filed its reply where it has been clarified that a golden chance was given only to those students who had otherwise completed the course of study and had attended the necessary number of lectures for four years and the same could not be given to the petitioner because he unfortunately was not able to attend any classes in the 7th and 8th semesters.

In my opinion, no fault can be found with this action. It is well known that to obtain a degree, it is not only important to clear the exams, it is also equally important to attend the classes and once the petitioner was not able to attend the classes, he cannot claim the same treatment as was granted to those students who had attended the classes. This classification cannot be held to be arbitrary. 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.

(AJAY TEWARI)
JUDGE

August 09, 2017
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No