

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

CWP No. 9092 of 2016 (O&M)
Date of decision : July 20, 2017

Rohit Rao

..... Petitioner

v.

Panjab University and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Dinesh Malhotra, Advocate
for the petitioner.

Mr. Gautam Pathania, Advocate
for the respondents.

Ajay Tewari, J (Oral)

By way of this writ petition, the petitioner has challenged the action of the respondent-University in directing that he should attempt his 3rd semester examination after attending the 3rd semester classes subsequent to completion of 10th semester.

Brief facts are that the petitioner had taken admission in the 1st semester of Law in the respondent-University in July 2014. In May 2015, he sat for the 2nd semester examination and was declared fail in three papers. As per the rules, if he had cleared one more paper, he would have been eligible for admission to the 3rd semester in July 2015. After the result of the 2nd semester was declared (and within the prescribed period) he applied for re-evaluation in the papers in which he had failed, and when the result of

the re-evaluation was declared, he was declared pass in one subject. With the passing in that one subject, he had become eligible for admission to the 3rd semester. However, by that time, classes of 3rd semester were at the fag end and consequently, the respondent-University did not admit him to 3rd semester but in January 2015 admitted him to 4th semester and passed the impugned order.

Counsel for the petitioner has argued that once the petitioner was declared pass in one paper in the re-evaluation that result would have to be deemed to relate back to the date of original result and, therefore, the respondent-University could not have prejudiced the petitioner only on account of its own mistake and negligence in not declaring the regular result and re-evaluation result in time.

In normal circumstances, exams in the semester system should be concluded by the middle of May and the middle of December respectively. Thereafter, result should be declared within any reasonable time so that those students who are unsuccessful and want to apply for re-evaluation (and ultimately succeed in re-evaluation) do not lose time in the next class. In the present case, result of the main examination of the 2nd semester held in May 2015 was admittedly declared on 18.9.2015 i.e when it was already mid way during the next academic session. Students were given 10 days' time to apply for re-evaluation and re-evaluation result was declared about 1½ months thereafter. This time line is unacceptable and illustrates the extreme negligence on the part of the respondent-University. It is the stand of the University that no time line has been fixed in checking of papers by the examiners. I do not see any reason why in such a situation system of table checking cannot be employed by the University.

Be that as it may, once these dates are not disputed, it is hard to resist that it is the action of the respondents which has prejudiced the students. In somewhat similar circumstances, a Division Bench of this Court in *Abhijeet Partap Singh Chaudhary v. Panjab University, Chandigarh and others*, CWP No.18731 of 2007, decided on 14.2.2008 had directed the University to ensure that similarly situated students are given the benefit of extra classes so that they can fulfill their academic requirement and then attempt the exam of that particular semester within the original time so that they do not have to waste additional time after the conclusion of their course.

Counsel for the respondent-University has not been able to cite any contrary judgment.

In the circumstances, this writ petition is allowed and the respondent-University is directed to make arrangements for conducting extra class for the petitioner for 3rd semester along with either the present (7th semester) or the next (8th semester). It is also not disputed that there is ambiguity in the Rules and the respondent-University would be well advised to have a re-look at the whole structure so that such anomalous situations do not arise in the future.

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

July 20, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No