

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

**CWP No.5973 of 2017
Date of Decision: 05.05.2017**

Megha Sharma

....Petitioner

Vs.

Guru Nanak Dev University Amritsar and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Rajinder Sharma, Advocate,
for the petitioner.

Mr.Amrit Paul, Advocate,
for respondents No.1 to 3.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing of the order dated 7.3.2017 passed by respondent No.3, declining the request of the petitioner to re-appear in the examination which is to be held in May 2017 as per the Credit-Based Continuous Evaluation Grading System, Rules [for short 'the CBES Rules'].

In short, the petitioner joined B.A. (Honors) School of Social Science under the semester system in the Department of Social Science of the University. The petitioner reappeared in one subject of the 6th semester, namely, International Relations Since World War-II Political Science (Minor). Since, it was an even semester, therefore, the petitioner appeared in the reappear examination which took place in May 2016. It is submitted that Ordinance 32 of General Ordinances

on “Admission to Examination” contained in Calendar-2008, Volume II of the Guru Nanak Dev University, Amritsar, provides for two special chances, which has been denied by the respondents illegally relying upon the CBES Rules.

After notice, the respondents have filed their reply.

Learned counsel for the respondents has submitted that Ordinance 32 of General Ordinances on “Admission to Examination” contained in Calendar-2008, Volume II of the Guru Nanak Dev University is not applicable in the presence of its specific Ordinance called Credit-Based Continuous Evaluation Grading System. It is submitted that the total period to complete the course, to which the petitioner has got admission, is 4½ year, which was over in December 2016. It is further submitted that the grading of the petitioner is based on Semester Grade Point Average (SGPA) and Cumulative Grade Point Average (CGPA). It is further submitted that as per Clause 7(c) of the CBES Rules, a student is required to clear the course within the duration of maximum period specified to complete the degree. The petitioner herein had re-appeared in the even semester in which she can reappear only in even semester of the next year. It is further submitted that per chance it is so happened that the even semester for the re-appear has fallen in May 2017 which the petitioner cannot avail because she had already completed the duration of 4½ years and beyond that permission cannot be granted by the University to complete the course.

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

There is no doubt that the petitioner is governed by the CBES Rules as the DMCs attached by the petitioner with the petition are based on the grading system. The last DMC of 6th Semester May-2016 shows that the petitioner had re-appeared in one of the subjects, namely, International Relations Since World War-II Political Science (Minor). The petitioner wanted to clear that subject in the even semester examination which will take place in the month of May 2017 but in the meantime, the total period, in which she could have cleared her degree, had expired in the month of December 2016.

The issue is thus *“as to whether the petitioner can be given another chance, relying upon the Ordinance 32 of the of General Ordinances on “Admission to Examination” provided in Calendar-2008, Volume II of the Guru Nanak Dev University”?*

The answer is in negative because the said Ordinance is applied where the CBES Rules are not applicable. Moreover, it is submitted by learned counsel for the respondents that General Ordinances on “Admission to Examination” is applied to the colleges affiliated to the University and not to the Departments of University where the CBES Rules are applicable. Since, the petitioner had taken admission in the Department of Social Science under the CBES Rules, therefore, she is bound by these Rules in which there is a total prohibition of giving a degree to the student after the completion of 4½ years in the course. The petitioner is unlucky because the even semester is falling in the month of May 2017 i.e. beyond the period of 4½ years which has already been expired but for that matter the Rules cannot be relaxed as it is applicable to all the students alike. The

General Ordinances on “Admission to Examination” provided in Calendar-2008, Volume II of the Guru Nanak Dev University are apparently not applicable in view of the admission taken by the petitioner under the CBES Rules.

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

05.05.2017

Vivek

Whether speaking/reasoned Yes/No

Whether reportable Yes/No