

Sr.No.113

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

CWP No. 9420 of 2017

Date of decision:04.05.2017

Gurneek Singh

.....Petitioner

versus

Guru Nanak Dev University, Amritsar and another

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Ms. Natasha Munjal, Advocate
for the petitioner.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for seeking a writ in the nature of certiorari to quash the letter/order dated 10.04.2017(Annexure P-2) of University by which prayer made by the petitioner for taking special chance for LLB(FYIC) IV Semester in May, 2017 has been declined.

Counsel for the petitioner has submitted that the petitioner had taken admission in 4th semester in the year 2013. The petitioner failed to take examinations in May, 2014 of 4th semester because roll no. was not issued on account of shortage of lectures. He was however, allegedly readmitted in 4th semester and appeared in all the subjects but got compartment/re-appear in the subject of English. The petitioner took another chance of re-appear in the same subject of English in May, 2016 but failed to clear the same. It is also submitted that the petitioner has cleared all the papers of 6th semester except Constitutional Law and is now to appear in Constitutional Law paper of 6th semester, all the papers of 8th semester and in English paper of 4th semester in May, 2017 for which he made a request for issuance of Roll No. but it has been declined vide impugned order dated

10.04.2017(Annexure P-2) on the ground that his request can not be accepted as per the ordinance. Counsel for the petitioner has submitted that clause 6 of the said Ordinance pertaining to Bachelor of Laws(5 years integrated course) provides that “*the candidate should be allowed to re-appear in the examination of a particular semester within three years.*” it is submitted that the petitioner still has the last chance to appear in May, 2017 in the English paper of 4th semester as he had only appeared twice in the past in May, 2015 and May, 2016 and the examinations which were held in May, 2014 should not be counted because the petitioner did not appear at that time.

I have heard learned counsel for the petitioner.

The issue involved in this case is *as to whether the petitioner has availed two chances or had already availed all the three chances having been detained in the year 2014 because of shortage of lectures?*

The answer to this question is couched in clause 6 of the Ordinance itself in which it is provided that candidate can be allowed to re-appear in the examination of particular semester within three years of joining the said semester. The petitioner had joined in May, 2013 and had a chance to appear in the examination in May, 2014 which was not availed because of shortage of lectures and thereafter, he availed two more chances in May, 2015 and May, 2016 in which he could not clear the said paper. To my mind, the language used in Clause 6 of the Ordinance is only dealing with three chances in particular semester which relates to 4th semester pertaining to the petitioner in which he could have availed a chance in May, 2014 but for shortage of lectures he could not appear and in the subsequent

chances in May, 2015 and May, 2016 he failed to clear the said paper. In view thereof, there is hardly any reason to interfere in the present case. Dismissed.

4th May, 2017
Shivani Kaushik

[Rakesh Kumar Jain]
Judge

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>