

CWP No.9891 of 2017

[1]

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

**CWP No.9891 of 2017
Date of decision:30.05.2017**

Upinder

...Petitioner

Versus

I.K.Gujral Punjab Technical University and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Parminder Singh Kanwar, Advocate,
for the petitioner.

None for respondent no.1.

Mr. Anupam Singla, Advocate,
for respondents no.2 and 3.

Rakesh Kumar Jain, J.

This petition is filed for seeking a direction to the respondents to allow the petitioner to appear in the remaining examinations of 4th semester of B. Tech. (Civil Engineering) Lateral Entry as he has already been denied his right to appear in the examinations of Design of Concrete Structure-I and Geomatics Engineering held on 03.05.2017 and 05.05.2017 respectively.

By an interim order dated 08.05.2017, the petitioner was allowed to appear in the remaining examinations provisionally, subject to final outcome of the writ petition.

According to the petitioner, he has been issued provisional admit card and now the respondents cannot deny him to appear in the examinations.

On the other hand, counsel for the respondents has submitted that

the petitioner was admitted under the lateral entry in 3rd semester after completing Diploma in Civil Engineering and he has not completed 3rd semester as he has 7 re-appears out of 9 subjects of 3rd semester. It is also averred that consolidated attendance of the petitioner in 4th semester was 40.7% and attendance in individual subjects were below 60%, whereas as per the University norms, a student must have 75% consolidated attendance and more than 60% in individual subjects to become eligible to sit in the final examinations. It is also averred that not only the petitioner but his parents were also informed by the college authorities about shortage of attendance and they were called for Parent Teacher Meeting on 03.03.2017, in which the teachers informed the parents of the petitioner about his attendance record. The letters dated 02.03.2017 and 15.03.2017 were also written to the parents of the petitioner in this regard.

The only argument raised by counsel for the petitioner is that since the petitioner has been issued provisional admit card, therefore, now the respondents cannot take the plea that the petitioner is short of attendance/ lectures.

In this regard, counsel for the respondents has submitted that the provisional admit card was issued on the deposit of the examination fee but it was not a guarantee that the petitioner would be allowed to sit in the examinations as the admit cards and the examination fee are generated online for all the students who have been registered for a particular semester but as per the University norms, at the end of the semester, the students, who are found not eligible because of shortage of lectures, are not allowed to sit in the examinations. It is also averred that the shortage of attendance was displayed

on the notice board well before the examinations and the final detainee list was prepared on 26.04.2017 after extra classes and the same was displayed on the notice board on the same day i.e. 26.04.2017.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the issuance of provisional admit card by itself was not sufficient to clothe the petitioner with a right to appear in the examination because it is generated online after deposit of the examination fee but it has to be seen as to whether the petitioner is eligible to sit in the examination as per the norms or not. It has been found that the petitioner was short of lectures, which is not objected by him by way of replication, rather the details have been given by the respondents of all the subjects in which the petitioner was short of lectures and, thus, he has rightly been detained to appear in the examination.

In view thereof, I do not find any merit in the present petition and hence, the same is hereby dismissed.

May 30, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No