

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

**C.W.P. No. 9954 of 2017
Date of Decision:-26.09.2017**

Amanpreet Singh

....Petitioner

vs.

Panjab University and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present:- Mr. Atul Goyal, Advocate,
for the petitioner.

Mr. Indresh Goyal, Advocate,
for respondents No.1 and 2.

None for respondent No.3.

Sudhir Mittal, J.

The petitioner has challenged communication dated 25.4.2017 (Annexure P-7), whereby the respondent-University has rejected his application made through the Principal of Rayat College of Law-respondent No.3, for admission to the 4th Semester of B.A. LL.B. Course, on the ground of ineligibility.

2. The petitioner took admission to the BA. LL.B. (Hons.) 5 years' integrated course in July 2013. He took the examination for the first semester in November, 2013, but, failed. Even the second semester examination held in April, 2014 could not be qualified by him. Thereafter, it is his pleaded case that he had to discontinue studies for one year due to

domestic compulsions. In July, 2015, the petitioner rejoined his course and re-appeared for the first semester examination in November, 2015. The result of the said examination i.e. re-appear of first semester, was declared on 26.4.2016 and the petitioner cleared three out of six papers. In April, 2016 itself, he re-appeared for the second semester examination, the result of which was declared on 14.10.2016 and he cleared two papers. In November, 2016, the petitioner re-appeared for the third time in the left over papers of the first semester. He also applied for re-evaluation of his result of second semester and on 1.3.2017, he was declared pass in one more subject of the said semester. Thus, in March, 2017, the petitioner had cleared six papers out of twelve of the first two semesters and as per Rule 5 (ii) of the Panjab University Handbook Information, 2017 (hereinafter referred to as 'the Rules'), he was entitled to be promoted to the third semester. He, thus, made a representation dated 3.3.2017 and requested for permission to appear in the 4th semester examination, which was to be held in April-May, 2017. The College (respondent No.3) gave provisional admission on 6.3.2017 and sent letter dated 17.3.2017 to the respondent-University for approval of the same. The request was reiterated vide letter dated 17.4.2017 and vide the impugned communication, the request of the petitioner was rejected.

3. Pursuant to issuance of notice of motion in the present writ petition, the petitioner was permitted to appear in the 4th semester examination by way of an interim order. On our directions, the respondent-University has produced the result of the said examination in a sealed cover, which has been opened in our presence. The petitioner has failed in three

out of six papers of this semester also.

4. Learned counsel for the petitioner has contended that in accordance with Rule 5(ii) of the Rules, he was entitled to be promoted to the 3rd semester as he had cleared 50% of the papers of the 1st and 2nd semesters. Further, the respondent-University delayed the declaration of re-evaluation result of his second semester examination because of which he could not take admission to the 3rd semester in the year 2016. The delay is attributable to the respondent-University and, therefore, the petitioner was entitled to be admitted to the 4th semester in March-April, 2017.

5. Learned counsel for the respondent-University has contended that the petitioner is not entitled to be promoted to the 4th semester as he has never been admitted to the 3rd semester nor he has attended a single class of said semester. For promotion to the 4th semester, a student is required to attend minimum 75% lectures and fulfill other requirements in accordance with Rule 5(i) of the Rules.

6. Rules 5(i) and (ii) are reproduced below:-

“Rule-5

(i) Subject to Rule 5(ii), promotion of a student to the next semester from each of the respective semesters shall be allowed, if a student has fulfilled the attendance and other requirements, even though he has failed to appear in the examination for the respective semester, from which he is being promoted.

(ii) Promotion/admission of a student to the next

year of the course shall be allowed if she has passed at least 50% of the papers of the previous semesters, as the case may be.”

7. It is clear from the above-mentioned Rule that for admission to the 3rd semester, a candidate is required to clear 50% of the papers of the first and second semester. Thereafter, after clearing the condition of minimum lectures prescribed for the 3rd semester and other requirements, a candidate can be promoted to the 4th semester even if he has failed in the 3rd semester examination. The petitioner fulfilled the requirement of promotion to the 3rd semester only in March 2017, after declaration of the result of re-evaluation of his second semester examination. In March, 2017, the even semester was in progress and, therefore, the petitioner could not have been granted admission to the 3rd semester. Without admission to the 3rd semester and without clearing the conditions prescribed for promotion to the 4th semester, the petitioner could not have claimed admission to the said semester directly. The College (respondent No.3) committed an illegality by admitting the petitioner to the 4th semester and in further requesting for approval of the said admission.

8. Learned counsel for the petitioner has relied upon a Division Bench judgment of this Court titled as **Abhijeet Partap Singh Chaudhary vs. Panjab University, Chandigarh and others,** in CWP No.18731 of 2007 decided on 14.2.2008, in support of his case. The said judgment is distinguishable on facts because in that case, the petitioner had already cleared his first year and was falling short of the required number of subjects for admission to the 5th semester and made the grade on re-

evaluation of his 4th semester examination. Since the re-evaluation result of 4th Semester was delayed by the University, relief was granted to the petitioner therein.

9. In the present case, the petitioner has not passed all the papers of even one semester. Further, in view of the above-stated Rule position, governing the promotion to the 3rd and 4th semesters, the impugned order cannot be faulted with.

10. The petitioner, thus, does not deserve any relief in exercise of discretionary jurisdiction of this Court under Article 226 of the Constitution of India. The writ petition is, therefore, dismissed. However, the petitioner would be entitled to take admission to the 3rd semester and sit for the ensuing examinations of the said semester.

**(SURYA KANT)
JUDGE**

**(SUDHIR MITTAL)
JUDGE**

September 26, 2017
poonam

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No