

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

LPA No.204 of 2016 (O&M)

Date of decision: January 17, 2017

Gurmeet Kaur

----Appellant

Versus

Panjab University and others

----Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

**Present: Mr.Vikram Ys. Narula, Advocate and
Mr.Karan Garg, Advocate for the appellant.**

HARINDER SINGH SIDHU, J.

1. This intra-Court appeal under Clause X of the Letters Patent has been filed against the judgment dated 10.8.2015 of the learned Single Judge, whereby, CWP No.8943 of 2015 filed by the appellant seeking direction to the respondent University to declare her result of Bachelor of Education examination 2014, was dismissed.

2. The appellant was a student of B.A. Part I, in Chhatrapati Shahu Ji Maharaj University, Kanpur (recognized by UGC and State Government University). She appeared in B.A. Part I Examination held in 2011, but failed. (Her marks card dated 26.10.2013 is Annexure P-2). In December, 2010, she secured admission in 2nd year of B.A. (Economics) in Shaheed Udham Singh Institute of Management and Technology, Sangrur, a study centre of Periyar Institute of Distance Education (for short "Periyar University") in terms of the "Break-in-Study" Scheme started by the said

University. She appeared in the examination of 1st year and 2nd year (Part-I

and Part-II) of B.A. (Economics) in December, 2011 and passed in all the subjects. In February, 2013, she appeared for the 3rd year B.A.(Economics) examination which also she cleared. In total, she secured 789 marks out of 1500 and was declared pass. In July, 2013, she took admission in the B.Ed. Course in Lala Lajpat Rai Memorial (P.G.) College of Education, Dhudike, District Moga, Punjab, which is affiliated to the Panjab University, (hereinafter referred to as “respondent No. 2”). In April 2014, she appeared in final exam. of B.Ed. Course for the session 2013-14. A transfer certificate issued by the Deputy Director, Periyar University on 14.5.2014 was submitted by her to the respondent No. 1-University through the College. On 5.6.2014, the appellant was informed by the respondent No. 1-University that she had not been found eligible for admission to the B.Ed. Course for the 2013-14 session on the ground that “the examination B.A. (Eco) passed by the candidate from Periyar University, Salem has been recognized as equivalent to corresponding examination of this University provided the duration of the B.A. (Eco.) examination is three academic years. Since the candidate passed B.A. (Eco) two years course from the said University, she is not eligible for admission to B.Ed. Course”. When despite her repeated representations and clarifications her result was not declared, she filed the writ petition seeking direction to the respondent No. 1-University to declare the result of B.Ed. Course.

3. Before the Ld. Single Judge, it was submitted on behalf of the respondent No. 1-University that the last date for submission of Registration Return for the session 2013-14 was 15.10.2013. The Registration Return was submitted by respondent No.2 on 14.10.2013 but without original

documents of the appellant. Therefore, her credentials could not be verified at that time. It was only on 31.05.2014 when original documents of the appellant were received, that it was revealed that the course of B.A. (Economics) passed by her was of two years duration. The Assistant Registrar (R.S.) of the University forwarded the original documents of the appellant for certification regarding equivalency to the General Branch of the University, which informed that the appellant was not eligible since as per the Equivalency Booklet Rules, the duration of course should be like that of Panjab University Course/Degree. In the appellant's case, the B.A. (Economics) was for the duration of two years, which is not equivalent to B.A. (Economics) of three years duration in the Panjab University. Hence, though the appellant had appeared in the B.Ed. Examination for session 2013-14, her result was declared as 'cancelled'. As respondent No.2-College failed in its responsibility to check the eligibility of appellant at the time of admission, the respondent No. 1-University imposed a penalty on the college as well.

4. Learned Single Judge dismissed the petition mainly on two grounds:

(1) Firstly, it was concluded that the appellant was not even eligible for admission to B.A. (Economics) under Break-in-Study Scheme. As per instructions (Annexure P-1) sent by the Periyar University to all its study centres, which they were directed to strictly adhere to, failing which they would earn cancellation of approval, the candidate who had discontinued 1st and 2nd year of the course from the colleges of the Periyar

University or any other Universities approved by UGC and AIU, were to be considered for admission respectively to the 2nd and 3rd year of the course in the same faculty. The appellant was a student of regular B.A. Course when she appeared in the B.A. Part I examination conducted by the Chhatrapati Shahu Ji Maharaj University and failed. B.A. Part I being a separate faculty or course of study from B.A. (Economics), she was not eligible for admission to B.A. (Economics) 2nd year under the Break-in-Study scheme under which admission was permissible only in the same faculty. Also, there was no break in the study of the appellant because she had not discontinued her study after passing her B.A. 1st year and before taking admission directly in the two year course of B.A.(Economics). Thus, she did not fulfil both the conditions for admission under the Break-in-Study Scheme. Resultantly her admission to B.A. (Economics) itself was irregular.

(2) Secondly, even though she had passed 15 subjects in two years, her degree had to be considered to be of two years as was rightly mentioned in the transfer certificate issued by the Periyar University. She thus failed to establish that the nomenclature and duration of the course and degree issued to her by the Periyar University is equivalent to the degree/course of Panjab University where the duration of equivalent course is of three years.

5.

Ld. Single Judge also held that the fact, the appellant had

appeared in the B.Ed. Examination, would not itself be a consideration to direct declaration of her result as respondent No.2 - College had sent the Registration Return of the appellant without her original documents, (which were submitted by her on 14.05.2014). Therefore, her eligibility could not be verified by the University before issuing the roll number for the B.Ed. Examination in April, 2014. In this regard, fault was entirely of respondent No.2 College and not of the University and no benefit thereof could be claimed by the appellant.

6. This appeal had first come up for preliminary hearing on 5.2.2016 and was adjourned to 26.2.2016 when the following order was passed:

“The appellant appeared in B.A. Part-I, 2011 Regular from Chhatrapati Shahu Ji Maharaj University, Kanpur. In terms of the mark-sheet dated 26.10.2013 (Annexure P-2), he failed in the said examination. The appellant then appeared in December/January, 2012 in B.A. Economics from Periyar Institute of Distance Education (PRIDE). Her detailed marks card published on 29.5.2012 (Annexure P-3) is on record. The appellant then appeared in B.A. Economics in February, 2013. Her detailed mark-sheet dated 25.6.2013 (Annexure P-4) is on record. The appellant has not been given admission in B.Ed. course as she has done B.A. Economics in two years course and not three years.

Learned counsel for the appellant prays for time to show instructions/rules/regulations of the University Grants Commission that by doing B.A. Economics in two years, the appellant is eligible for admission in B.Ed. Course in accordance with the Break-in-study scheme.

Adjourned to 28.3.2016.”

7. Learned counsel for the appellant sought time to produce relevant instructions/rules/regulations of the University Grants Commission under which by doing B.A. Economics in two years, the appellant would be eligible for admission in B.Ed. Course in accordance with the Break-in-study scheme.

8. Thereafter, the case was listed on 28.3.2016, 11.4.2016, 8.7.2016, 20.7.2016 and 19.9.2016. On all these occasions, the case was adjourned on the request of learned counsel for the appellant to grant more time to answer the query raised in the order dated 26.2.2016. In the orders dated 8.7.2016 and 19.9.2016, it was made clear that last opportunity was being granted to enable learned counsel for the appellant to comply with order dated 26.2.2016, failing which the appeal would be taken up for decision on merits. However, the said order has not been complied with till date. Today again, Ld. counsel for the appellant requested for one more opportunity to comply with the said order, a request, which we are not persuaded to accede to in the light of the facts aforementioned.

9. From the record, it is clear that though almost one year has passed, but Ld. counsel for the appellant has not been able to place on record any relevant instructions, rules or regulations, as per which a candidate, who has done B.A. (Economics) in two years, could be treated as eligible for admission in the B.Ed. Course. He has also not been able to justify as to how, the appellant was eligible to avail of the benefit of the Break-in-Study Scheme, which specifically required that the candidate, who had discontinued 1st and 2nd year of the course from the colleges of the Periyar University or any other recognized University could be considered

for admission in the 2nd and 3rd year of the course in the same faculty. It was rightly held by the Ld. Single Judge that a regular B.A. course could not be considered to be of the same faculty as a B.A. (Economics) Course. Also, though the appellant has cleared all the fifteen subjects for three years of the B.A. (Economics) course, but the appellant has cleared them in two years, by taking admission directly in 2nd year of B.A. (Economics). Thus, as mentioned in the Migration Certificate issued by the Periyar University, the duration of the B.A. (Economics) course passed by the appellant was two years, whereas, the equivalent B.A. (Economics) course in Panjab University is of three years duration. Hence, she was not eligible for admission to B.Ed. Course in Punjab University.

10. We also agree with the Ld. Single Judge that in the facts of this case, as the original documents were not submitted with the Registration Return in time, but were submitted after the issue of roll number by the University, and it is established that the appellant is not eligible for admission to the B.Ed. Course, the mere fact that she had appeared in the B.Ed. Exam would not be a consideration to direct declaration of her result.

11. Thus, there is no merit in the appeal and the same is dismissed. Consequently, the accompanying applications are also dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

January 17, 2017

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No