

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

CWP No.19445 of 2018 (O&M)

Date of Decision:04.10.2018

Manpreet Kaur

. Petitioner

Vs.

Panjab University through Vice Chancellor and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Parambir Singh (Sunny), Advocate,
for the petitioner.

Mr.Subhash Ahuja, Advocate,
for the respondent-University.

RAKESH KUMAR JAIN, J.

In brief, the petitioner has passed her Master of Arts (Punjabi) with 52% marks. Minimum 55% marks are required to appear in the UGC examination. The petitioner, thus, decided to improve her percentage by taking improvement examinations in all the subjects of 1st semester and two subjects of 3rd semester of her Master's degree. The petitioner was issued Roll No.26006 to appear in the improvement examinations held in December 2016 for 1st Semester subjects of Master's degree (Punjabi), which are as follows: -

1. Madhkali Punjabi Kavi (MPK)
2. Madhkali Punjabi Sahit Da Itihas (MPS)
3. Punjabi Novel (PNV)
4. Sahit Sidhant Sanatni Kavi Shastar Ate Punjabi
Alochna (SSP)

Similarly, the petitioner appeared in the improvement examination of two subjects of 3rd semester in December 2017 under Roll No.110804 in the following two subjects: -

1. BVP (Bhasha Vigyan Ate Punjabi Bhasha)
2. SLS (Sabhyachar Lakdhara Ate Punjabi Sabhyachar)

As per the rules of the Panjab University, the result of the improvement examinations is declared only if the candidate gives in writing that he/she will not further take any improvement examination of the degree. It is alleged that the petitioner wanted to appear in the improvement examination of two subjects of 3rd semester, therefore, her result of 1st semester was not declared. According to the petitioner, she had appeared in the improvement examinations of the 1st semester in the subjects namely, MPK, MPS, PNV and SSP but she has come to know that her result has been declared in an optional subject as Gurumati Ate Sufi Kavi (GSK) instead of Madhkali Punjabi Kavi (MPK). According to the petitioner, she has not taken the examination of Gurumati Ate Sufi Kavi (GSK) and has rather taken the examination of Madhkali Punjabi Kavi (MPK) and her result has been wrongly declared in respect of different subject. It is also contended that the petitioner has been issued a roll number/admit card to appear in the examinations of MPK, MPS, PNV and SSP, therefore, she cannot take the examination of GSK.

On the other hand, the case of the respondents is that the petitioner had though sent her examination form for improvement of her division in all subjects of 1st semester and two subjects of 3rd semester of M.A. (Punjabi) but she did not appear in Paper-II i.e. MPS (Madhkali Punjabi Sahit Da Itihas) of 1st semester as per the report/challan received

from Secrecy Branch of the University as she had appeared in another optional paper i.e. GSK (Gurumati Ate Sufi Kavi), which is more scoring subject, as is evident from the report/memo chart of the centre superintendent received through the secrecy branch of the University with the examiner report showing her Roll No.26006. The result of the petitioner was withheld for want of undertaking that she will not appear further in any other paper for improving her division within the prescribed time period i.e. 5 years for M.A. as the result of the improvement examination is declared in lump sum and not in piece-meal. It is further alleged that the petitioner had never approached for furnishing the undertaking necessary for declaration of her result by the respondent/University rather she came to the University only in May 2018, after the declaration of result on 12.5.2017, for furnishing the necessary undertaking knowing fully well that the answer sheets were disposed of by the University as per its Rules contained in Panjab University Calendar, Volume-III at Page 602 (2009).

The question in this case is as to whether the petitioner has taken the examination of MPK or GSK? It is purely a question of fact. The petitioner has contended that she was given the admit card to appear in the examinations of MPK, MPS, PNV and SSP and not for appearing in the examination of GSK whereas according to the respondents, the petitioner was issued the answer sheet No.6969015 dated 17.12.2016 when she herself desired to appear in the examination of GSK while refusing to appear in the examination of MPK. In this regard, the respondents have produced the attendance chart of the examination in which it is shown that the petitioner had appeared in the examination of GSK. It is also a case of the respondents that not only the petitioner but other students also appeared in different papers. In this regard, reference has been made to Roll No.22263 in which

the candidate had appeared in the examination of PKN instead of GNA, Roll No.24266 in which the candidate had appeared in the examination of PKN instead of GSP and SSP instead of the examination of PKN and has also referred to similar other roll numbers in the attendance sheet.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that since it is a pure question of fact which can only be decided on the basis of oral as well as documentary evidence and not by way of a writ petition, therefore, the present writ petition is hereby disposed of with an observation that the petitioner may, if so desired, file a civil suit for declaration for the redressal of her grievance but insofar as the writ petition is concerned, it is not maintainable.

04.10.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No