

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

**CM No. 2166 of 2018 in/and
CWP No. 21246 of 2017
Date of Decision: 19.2.2018**

Aman Kumar

.....Petitioner

v.

Maharshi Dayanand University, Rohtak and another

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Rahul Sharma, Advocate, for the petitioner

RAKESH KUMAR JAIN, J (Oral) :

CM No. 2166 of 2018 :

This application is filed for placing on record the Ordinance for Distance Education Programs issued by the Directorate of Distance Education, Maharshi Dayanand University, Rohtak.

Allowed.

CWP No. 21246 of 2017 :

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the degree dated 31.3.2015 issued by the Directorate of Distance Education, Maharshi Dayanand University, Rohtak (for short 'the DDE') in so far as it declares that the petitioner has been awarded the degree of Master of Arts in Economics under Lateral Entry Scheme in Second Division.

In brief, the petitioner was admitted to the Course of Master of Arts (Economics) in the Eastern Institute for Integrated Learning in

Management University, Sikkim in July 2010. He secured 537 marks out of the total 700 marks in the first year of the Course in the Session 2010-2011. He took admission in DDE in the Lateral Entry Scheme to complete the second year of MA Economics. It is alleged that he had secured 272 marks out of 500 marks in the Post-graduate Program of Master of Arts (Economics) awarded by DDE.

According to the petitioner, the marks obtained by him from the Sikkim University and the marks awarded by the DDE should have been counted for the purpose of assessing his division while awarding the degree. According to him, his total marks would be 809 and in that manner, he would have got 67.41% marks and would have been entitled to the degree in the First Division. However, the grievance of the petitioner is that he was awarded degree in Second Division by counting the marks obtained by him only in the Lateral Entry Scheme offered by the DDE. The petitioner, before approaching this Court had sought information under the Right to Information Act, 2005 in regard to the awarding of degree in Second Division. He has been informed by the DDE vide letter dated 27.7.2015 as under :

“As per new Ordinance of Distance Education -July 2011, if a student has stopped his/her education due to some specific reason could join his/her course through Lateral Entry Scheme to complete the course. Such students will be examined as per the Current Scheme of Examination available in the University and accordingly, they will be awarded degree under Distance Education (not regular) for the period for which they were remained student of the DDE.

A Committee was constituted by the Vice Chancellor to clear certain points regarding issue of Degrees and the meeting of the Committee was held on 4.10.2013, the proceedings of the Committee

is already with you and copy of the abstract from Ordinance, Scheme of Examination and Syllabi for Distance Education Programmes (applicable from July 2011) is enclosed herewith which is approved by the E.C. and the same Ordinance was in existence in previous years i.e. before 17.10.2013.”

According to the respondents, a Committee was constituted by the Vice Chancellor of the University to clear some points regarding issuance of degree and the meeting of the said Committee was held on 4.10.2013 in which they dealt with the pending cases in terms of the Ordinance for Distance Education Program. According to the respondents, if the petitioner had shifted from Regular Mode to the Distance Mode then the degree to be awarded to him is by the Distance Education (not Regular) for the period for which he remained the student of DDE. In this regard, reference is made to Clause 4 of the said Ordinance, which read as under :

“H. Shifting from regular mode to distance mode

- 1. The students who are pursuing any of the courses in M.D. University as a regular student and unable to continue such course on account of employment or any justified reason shall be allowed admission in the 3rd/5th semester or 2nd year, of the programmes, as the case may be, being offered by the M.D, University. All such candidates shall examined as per the scheme of examination and syllabi as is applicable to them in regular mode, from time to time.*
- 2. The students who are pursuing any of the courses/ programmes, as a regular/distance/open learning/correspondence courses student of any other University/Institute and unable to continue under any compelling circumstances or on account of any justified grounds shall be allowed admission in the 2nd or 3rd year or in 3rd/5th semester, as the case may be, under lateral entry in the concerned programme. All such candidates will be awarded degree/diploma/certificates accordingly.*

Explanation : *Clause 1 and 2 of the above section allows the candidate admission in the programme which they cannot complete*

due to one or the other reason. They will be allowed admission in relevant course, provided that they be passed the complete year of the concerned programme in which they seek admission. They will be examined as per current Scheme of examinations available in the University and accordingly, they will be awarded degree under Distance Education (not regular) for the period for which they were remained student of the DDE.

For example, 'X' got admission in B.Com. (Part-I) in 1980 (in any affiliated colleges of the M.D. University or other State University) and due to family circumstances could not complete the course. He is eligible for admission in B.Com. (Part-II) in 2011. But he will be examined as per the SOE currently in force and he will be awarded a B.Com. Degree on the basis of 2 years, under Distance Education, as per lateral entry provisions. Students with compartment may also be considered for lateral entry but degree can be awarded to them only after clearing the compartment from the parent University/Institution.

Learned counsel for the petitioner has vehemently argued that the Ordinance is silent about the issue involved and that it would be unfair and unjust to the petitioner to not to count the marks obtained in the First year from the Sikkim University.

I have heard learned counsel for the petitioner and perused the record with his able assistance.

The Ordinance deals with the admission through Lateral Entry Scheme and Clause 'H' in regard to the shifting from Regular Mode to Distance Mode, which has already been mentioned herein above for a ready reference. Since the petitioner was a regular student of Sikkim University and had shifted to Distance Mode by taking admission under the Lateral Entry Scheme, he would be governed by Clause H “that the degree shall be awarded of the exam taken under the Distance Education (not regular) and

for the period for which the person remained a student of the DDE. This is what exactly had been done in the case of the petitioner who has been granted degree for the period he has studied with the DDE and not with the Sikkim University in Regular Mode.

Thus, I do not find any merit in the present petition.
Dismissed. No costs.

(RAKESH KUMAR JAIN)
JUDGE

19.2.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No