

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

**CWP-21583-2018 (O&M)
Date of Decision:04.12.2018**

Amandeep Singh

...Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. H.S. Thiara, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

Mr. Tejinder Bir Singh, Advocate for respondent No.2.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner has assailed the order dated 31.07.2018 (Annexure P-6) in terms of which the respondent/Guru Nanak Dev University, Amritsar has declined his request for an extra chance for completion of LL.B. Degree (Five Year Integrated Course).

Brief facts which are not in dispute may be noticed at the outset. Petitioner is a student of St. Soldier Law College, Jalandhar and which is affiliated to Guru Nank Dev University, Amritsar. He took admission in the 5th Semester (Five Year Integrated Law Course) in the year 2011 as a regular student. Petitioner had cleared his examinations upto the 8th Semester but had failed to clear the paper of Public International Law in 3rd Semester and paper of Law of Crimes-I in the 5th Semester. After taking due permission, petitioner appeared in the afore noticed two papers in December, 2017 and cleared the same upon declaration of result in April, 2018. Against such

backdrop, petitioner repeatedly approached the respondent/Guru Nank Dev University to permit him to appear in the LL.B. (Five Year Integrated Course) in the 9th and 10th Semesters Examinations so as to complete his LL.B. Degree. Such request stands declined vide impugned order dated 31.07.2018 (Annexure P-6) and which has led to the filing of the instant writ petition.

I have heard counsel representing the petitioner as also counsel representing the contesting respondent No.2/Guru Nanak Dev University, Amritsar at length. Pleadings on record have also been perused.

The impugned decision contained in the order dated 31.07.2018 (Annexure P-6) is sought to be justified on the ground that as per relevant ordinance contained in the Guru Nanak Dev University Calender 2008, Volume III, a candidate is to complete his degree within 7 years from the date of joining the first Semester of LL.B. (Five Year Integrated Course). Counsel representing the respondent/University submits that the petitioner was admitted in the 1st Semester Course in question in the year 2011 and as such, the maximum period for completion of the degree was upto the May, 2018. Since the maximum period stipulated under the ordinance had elapsed, a decision had been taken by the Competent Authority to deny to the petitioner any further chance to appear in the 9th and 10th Semester Examinations.

In the considered view of this Court, the decision taken by the University is highly inequitable and cannot sustain.

The admitted position is that the petitioner had failed to negotiate the paper of Public International Law in 3rd Semester i.e. in

December, 2012 and thereafter the paper of Law of Crimes-I in the 5th Semester i.e. in December, 2013. In the written statement filed by the respondent/University, it has been clearly stated that the petitioner was given '**special chance**' to re-appear in his papers of 3rd and 5th Semesters and in which he so appeared and cleared both the papers and the result of which was declared in April, 2018. There is also no denial to the categorical averments made on behalf of the petitioner that the '**special chance**' to clear the papers of 3rd and 5th Semesters was granted by the University upon charging a fee amount of Rs.50,000/- (Rs.25,000/- for each paper) and which had been duly deposited by the petitioner.

Petitioner has placed reliance upon the UGC guidelines on the subject of 'Determination of a Uniform Span period within which a student may be allowed to qualify for a Degree'. Guideline No.2 thereof reads in the following terms:

“2. A student who for whatever reason is not able to complete the programme within the normal period or the minimum duration prescribed for the programme, may be allowed two years period beyond the normal period to clear the backlog to be qualified for the degree. The general formula, therefore, should be as follows:

a) Time Span = $N + 2$ years for the completion of programme where N stands for the normal or minimum duration prescribed for completion of the program.

b) In exception, circumstances a further extension of one more year may be granted. The exceptional circumstances be spelt out clearly by the relevant statutory body concerned of the university.”

The respondent/University in the reply does not dispute the contents or applicability of such guidelines. As per guideline No.2, a student

is to be permitted a two years period beyond the normal period prescribed for a particular course to clear the backlog so as to qualify for the degree. Under guideline No.2 (b), a further extension of one year is envisaged and the same to be granted for exceptional circumstances to be spelt out by the University.

Facts of the instant case are peculiar. Petitioner had not cleared the paper of Public International Law of 3rd Semester in December, 2012. Likewise, he had not cleared the paper of Law of Crimes-I of the 5th Semester in December, 2013. The respondent/Guru Nanak Dev University by way of a conscious decision had granted a '**special chance**' to the petitioner to clear the afore noticed two papers by permitting him to appear in December, 2017. At that stage, a heavy amount of Rs.50,000/- had been charged from him. Concededly petitioner has cleared both the papers as per result declared in April, 2018. Clearly, a '**special chance**' afforded to the petitioner to sit in the two examinations in December, 2017 in relation to two papers not cleared in December, 2012 and December, 2013 respectively would be construed towards affording a chance to facilitate the petitioner to complete the LL.B. (Five Year Integrated Course). Having initiated such process and the petitioner having shown positive results, it would not be open for the University now to leave him in a lurch and to deny him the benefit of the further extension of one year beyond the normal span of 7 years and as envisaged under guideline No.2(b) of the UGC guidelines. The afore noticed peculiar facts and circumstances would have qualified to fall within the expression '**exceptional circumstances**' as per guideline 2(b) of the UGC guidelines and for the University to have granted in favour of the

petitioner an extension of one more year to complete his degree. On the other hand, respondent/University has completely ignored such aspect and has rejected the request of the petitioner by passing a cryptic non-speaking order dated 31.07.2018 (Annexure P-6). This Court would have no hesitation in holding the action of the respondent/University to be unfair and inequitable.

For the reasons recorded above, writ petition is allowed. Impugned order dated 31.07.2018 (Annexure P-6) is set aside. Directions are issued to the respondent/Guru Nanak Dev University to take necessary steps forthwith so as to afford to the petitioner a further extension of one year for him to complete his LL.B. Degree and by participating in the 9th and 10th Semester Examinations of the LL.B. (Five Years Integrated Course).

Petition is allowed.

04.12.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |