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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-2099-2017 [O&M]

Date of Decision : January 23, 2018

Mohit Chhikara

.... Appellant

Versus

Maharshi Dayanand University, Rohtak
and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest?

Present Mr. Ramesh Hooda, Advocate,
for the appellant.

SHEKHER DHAWAN, J.

CM No.4584-LPA-2017

For the reasons mentioned in the application, which is supported by an affidavit, delay of 96 days in filing the accompanying appeal is condoned.

Application stands disposed of.

LPA-2099-2017

This Letters Patent Appeal under Clause X of the Letters Patent has been filed against the order dated 16.05.2017 passed by learned Single Judge, whereby appellant's writ petition, bearing CWP-23577-2015

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for quashing impugned letters dated 25.4.2015 (Annexure P/9); 25.04.2015 (Annexure P/9-A); 05.6.2015 (Annexure P/12) and 28.8.2015 (Annexure P/15) issued by respondent No.1 and for issuance of directions to respondent No.1 to declare the result of improvement in examinations of 5th, 7th and 8th semesters held in December, 2014, has been dismissed.

2. Appellant was a student of four years' duration course of Bachelor of Technology (Mechanical Engineering) during the session 2007-2011. He successfully completed the said course. With the view to improve his marks, the appellant sent a communication (Annexure P/2) with the request as to whether he was eligible to do the same after a gap of three years of passing his B.Tech. examination. The appellant was informed vide Annexure P/3 by one Vardana Verma that he was eligible to take the improvement examinations. The appellant appeared in the improvement examinations but his result was withheld on the ground that he had applied for improvement after seven years of completion of course and that it was not permissible as per Clause 7 of the University Calendar, Vol. II, Part-A of 2005 (for short, "the Calendar"), which reads as under :-

"A candidate who is unable to pass the Bachelor of Engg./Bachelor of Technology course within a maximum seven consecutive academic years for the date of his admission shall not be eligible for appearing in any subsequent Bachelor of Engg./Bachelor of Technology examinations."

3. Learned Single Judge after considering the matter in its entirety, has held that the period of seven years expired in the month of May, 2014

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whereas the appellant had applied for improvement on 29.8.2014. The appellant had obtained the degree on 31.3.2012. The seven years' period expired in May, 2014 and as such, his case was not covered as per Clause (7) of the Calendar.

4. Learned counsel for the appellant contends that as per clause (7) of the University Calendar, the condition of period of seven years' applies from the date of passing of final examinations and not from the date of admission, and if the period is counted accordingly, the delay is only of 9 days, which can be condoned by the respondent-University, especially when the appellant applied to the University for the same, thereafter appeared in the examinations and the University issued roll No. and allowed him to appear in the improvement examinations, and as such the result could not be withheld by the University.

5. We have considered the matter in its entirety. As per clause (7) of the University, a time limit of 7 years has been prescribed. Undisputedly, the appellant has not applied for Improvement within the stipulated period. The University is well within its right to pass the order dated 5.6.2015 (Annexure P/12). The appellant was duly informed vide letter dated 28.8.2015 (Annexure P/15). As there is no provision in the University Calendar, whereby the appellant could compel the University to declare his result for improvement after expiry of 7 years, learned Single Judge has rightly dismissed the writ petition and the present appeal against the said judgment is without any merit and the same is dismissed.

6. However, if the appellant submits a representation to the University authorities within a period of two weeks, the same may be

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considered by the University authorities sympathetically, if the same can be allowed as per provisions of the University Rules/Calendar, purely on mercy ground. The same shall be decided within four weeks of filing of the representation.

7. The appeal stands disposed of in the above terms.

(SURYA KANT)
JUDGE

(SHEKHER DHAWAN)
JUDGE

January 23, 2018.
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