

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

**LPA No.507 of 2017(O&M)
Date of decision: 11.07.2018**

Swasti Sharma

... Appellant

Versus

Kurukshetra University Kurukshetra and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Lajpat Sharma, Advocate for the appellant.
Mr. A.S. Virk, Advocate for the respondent-University.
Mr. Parveen Kumar, Advocate for
Mr. Harsh Aggarwal, Advocate for respondent No.3.

KRISHNA MURARI, C.J. (Oral)

This is an intra-court appeal under Clause X of the Letters Patent challenging judgment and order of the learned Single Judge dated 09.03.2017 dismissing the writ petition filed by the petitioner-appellant challenging the cancellation of her admission in B.A. Mass Communication Course. The admission of the petitioner-appellant for the session 2016-17 was ordered to be cancelled on the ground that she did not qualify for admission as her aggregate was less than 50% in 10+2 examination. It may be noted that she had secured 49.8% marks in 10+2 examination. According to minimum eligibility condition prescribed for admission, a candidate was required to have at least 50% marks in 10+2 examination and there was no bar for rounding off marks from 0.5% and above to next higher number for

determining the eligibility. Still instead of rounding off 49.8% marks obtained by the petitioner to 50% her admission was cancelled. Learned Single Judge dismissed the writ petition, which was challenged by filing the present LPA. On 06.12.2017, a Division Bench of this Court passed the following order:

“The appellant has got 49.8% marks in 10+2 examination. She applied and was granted admission to Bachelor of Mass Communication (B.A.M.C.) Course in Indira Gandhi Mahila Mahavidalya, Kaithal which is a Government aided private College. The minimum eligibility condition prescribed for admission to B.A.M.C. Course, as mentioned in the College Prospectus, was as follows:-

“Minimum Eligibility Conditions:

A student who has passed one of the following examinations with English as one of the subjects shall be eligible to join BA-MC Part-I:

Senior Secondary Certificate Examination (10+2 standard) of the Board of School Education, Haryana, Bhiwani or an examination recognized by Kurukshetra University equivalent thereto with at least 50% marks. Admission, even provisional, will not be given to candidates securing compartment in 10+2 examination...”

[2] As compared to it, the minimum eligibility conditions prescribed for admission to other graduate courses like Bachelor of Arts (B.A.) specifically provides as follows:-

“...Minimum Eligibility Conditions:

1. Pass in Senior Secondary Examination (10+2) of Board of School Education, Haryana with English as a subject or any other Examination recognized as

equivalent thereto by Kurukshetra University, Kurukshetra.

2. For admissions in B.A.Part-1 minimum marks in qualifying examination is 35%.

3. **There shall be no rounding off marks from 0.5% and above to next higher number for determining the eligibility for admission to various courses.**

4. These conditions are the minimum eligibility conditions for applying for admission to the courses. Admission will be granted strictly on merit basis after preparing the merit list of candidates who have applied for admission as per the procedure/instructions issued by Kurukshetra University, Kurukshetra.....”

[3] The eligibility conditions were prescribed as per the norms approved by Kurukshetra University, Kurukshetra. The College authorities construed that since there was no express bar against rounding off the marks from 0.5% and above to next higher number for admission to BAMC Course, the appellant was treated eligible by rounding off her 49.8% equivalent to 50% marks.

[4] When the appellant had nearly completed the 1st semester, her admission was cancelled under the instructions of the University. She approached this Court and a learned Single Judge granted her interim stay, as a result of which she appeared in the 1st semester examinations and got admission in 2nd semester. Her writ petition was eventually dismissed, against which the instant appeal has been filed.

[5] We impressed upon the Vice Chancellor of the University on the previous date to reconsider the appellant's claim as an exceptional case and reconsider it in view of the ambiguity in the Prospectus and also to save the academic career of a girl child. He, however, has declined to grant such relaxation as according to the Vice Chancellor, he has no power to relax the conditions.

[6] The total duration of the course to which the appellant was admitted is three years, out of which more than one year she has already completed. In these circumstances, we direct the University to declare the result of the appellant for 2nd semester and provisionally allow her to appear in the examination of 3rd semester. If she qualifies the examination of 3rd semester, the College is further directed to admit the appellant to 4th semester subject to any other eligibility conditions.

[7] List on 12.02.2018.

[8] Let a copy of this order be given *dasti* to Mr.A.S.Virk, learned counsel for the respondent-University under the signatures of the Bench Secretary, for necessary compliance.”

Learned counsel for the parties are not at issue that petitioner-appellant appeared in the 2nd semester examination and was declared successful though her admission is only provisional as she is pursuing the course under the orders of this Court and registration number has not been allotted. It is not being disputed that she also appeared in the 3rd semester

examination the result whereof has not been declared insofar as the petitioner is concerned on account of pendency of these proceedings. Petitioner-appellant had already completed two years out of three years course. In the peculiar facts and circumstances of the case, without laying down a precedent for other matters, we dispose of this appeal with the directions that respondents shall regularize the admission of the petitioner-appellant and allot a regular registration number. They shall declare her result of the 3rd semester and in case she is declared 'Pass' she shall be admitted in next semester and her case shall be treated as that of a regularly admitted candidate.

With the aforesaid observations and directions, the appeal finally stands disposed of.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

11.07.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO