

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

**C. W.P. No.22912 of 2019**

**Date of Decision:- 28.08.2019**

Sanjiv Kumar

....Petitioner

vs.

Maharshi Dayanand University, Rohtak and another

....Respondents

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**CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY  
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Rakesh Nagpal, Advocate,  
for the petitioner.

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**SUDHIR MITTAL, J.**

Petitioner joined the Bachelor of Arts Course in the Eastern Institute for Integrated Learning in Management University, Sikkim, in the year 2009. The said Course was to be conducted through distance education. The first year of the course was completed in June, 2010 and the second year was completed in June, 2011. Detailed mark-sheets for the respective years are dated 19.6.2012 and 29.6.2012. Thereafter, the petitioner migrated to Maharshi Dayanand University, Rohtak, for the 3<sup>rd</sup> year of the Bachelor of Arts Degree course, also to be done through distance education. Having completed the 3<sup>rd</sup> year, a result-cum-detailed marks card dated 29.6.2013 was issued with an endorsement that the degree was being issued Under Lateral Entry Scheme. It may be noted that the result-cum-detailed marks card dated 29.6.2013 related to the 3<sup>rd</sup> year examination only. Thereafter, the petitioner applied for admission to the LL.B. Course being conducted by the Kurukshetra University, Kurukshetra. He was invited for

counselling but admission was not granted to him on the ground that he did not possess a consolidated detailed marks certificate from the Maharshi Dayanand University, Rohtak. The date of rejection of his candidature was 21.7.2016. The refusal of Maharshi Dayanand University, Rohtak, to issue a consolidated detailed marks certificate to the petitioner was challenged by way of filing CWP No.26802 of 2015. The subsequent action of Kurukshetra University in denying admission to the LL.B. Course was challenged through CWP No.14774 of 2016. Both these writ petitions were heard and dismissed vide common judgment dated 20.9.2017. As per the pleadings in this petition, the petitioner thereafter sought information under the Right to Information Act, 2005, regarding the Lateral Entry Scheme of Maharshi Dayanand University, Rohtak, and after the same was supplied to him, the present writ petition has been filed seeking a writ in the nature of Mandamus directing the Maharshi Dayanand University, Rohtak, to issue a consolidated mark-sheet for the Bachelor of Arts Course. Directions have also been sought against the Kurukshetra University, Kurukshetra, to allow the petitioner to complete his 3 years' LL. B. Course.

2. Clause 2 (a) of the Lateral Entry Scheme for distance education is reproduced below:-

“2. The Committee after going through the provision of the Ordinance for Distance Education Programmes approved by the Executive Council (applicable from July 2011) and detailed discussions resolved that:

(a) The eligible students admitted, under Lateral Entry Scheme, in the DDE to pursue any of the programme offered by it, be awarded a Degree for the concerned

programme only for the period he/she remained a student of the Directorate. For example, if a student was admitted in July, 2011 in the 2<sup>nd</sup> year of B.A. in the DDE (after passing 1<sup>st</sup> year of B.A. From KUK), he/she may be awarded a degree of B.A. mentioning “Bachelor of Arts (Under Lateral Entry Scheme) and the division may be mentioned on the basis of marks he/she has obtained in two years only.”

3. Learned counsel for the petitioner has submitted that clause 2(a) of the Lateral Entry Scheme reproduced hereinabove, is arbitrary and deserves to be quashed. Accordingly, the petitioner is entitled to issuance of a consolidated detailed marks card for the Bachelor of Arts course and as a logical corollary, his admission to the LL.B. 3 years' Course has to be regularized and he has to be permitted to complete the same.

4. On being asked as to how Clause 2(a) of the Lateral Entry Scheme was arbitrary, learned counsel for the petitioner has failed to come up with a satisfactory explanation. That apart, vide judgment dated 20.9.2017 passed in CWP Nos.26802 of 2015 and 14774 of 2016, it has been specifically held that the Eastern Institute for Integrated Learning in Management University, Sikkim was not authorized to grant Bachelor of Arts degree through distance education mode. This observation is in view of judgment dated 17.12.2015 passed in CWP No.8062 of 2014 **Devki Nandan and another vs. Kurukshetra University and others**, wherein the petitioners had challenged the cancellation of their admission on the ground that the Eastern Institute for Integrated Learning in Management University, Sikkim, was not competent to grant a Bachelor of Arts degree through distance education. The finding in judgment dated 20.9.2017 has become

final against the petitioner as he has not challenged that decision any further. Consequently, even the detailed marks card issued in respect of the B.A. I and II examinations are invalid. The petitioner having failed to qualify the B.A. Ist & IInd year examinations, cannot be granted a consolidated degree for the three years' Bachelor of Arts course.

5. In this view of the matter, the prayer for a direction to the Maharshi Dayanand University to issue a consolidated detailed marks card for the 3 years' degree course of Bachelor of Arts cannot be granted.

6. Since the petitioner does not possess a valid Bachelor of Arts Degree, he is not entitled to seek admission in the LL.B. 3 years' course and thus, even the second prayer of the petitioner cannot be granted.

7. The writ petition is without any merit and is consequently dismissed.

8. It may also be mentioned that in the previous writ petitions, similar relief had been sought by the petitioner and consequently the present writ petition is also barred by the principles of *res judicata* and Order II Rule 2 of the Code of Civil Procedure, 1908.

**( DAYA CHAUDHARY )**  
**JUDGE**

**( SUDHIR MITTAL )**  
**JUDGE**

**August 28, 2019**

**poonam**

**Whether speaking/reasoned**

**Yes**

**Whether reportable**

**Yes**