

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

**CWP-34129-2019 (O&M)
Date of Decision:22.11.2019**

Krishan Kumar

... Petitioner

Versus

Maharishi Dayanand University & others

... Respondents

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

Present:- Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks a mandamus for directing the respondent/
Maharishi Dayanand University, Rohtak to award to him a degree of
Bachelor of Engineering in Computer Science and Engineering. A prayer in
the alternate has been raised to grant to him one opportunity to re-appear in
one of the papers pertaining to the 8th Semester of the degree course.

Counsel submits that the petitioner took admission in the course
in question which was of a duration of 4 years in the year 1999 with the 3rd
respondent which is a private institute affiliated to Maharishi Dayanand
University, Rohtak. It has been averred in paragraph 3 of the writ petition
that respondent No.3/College misled the petitioner by providing him
inaccurate result of his college degree and had issued a provisional-cum-
character certificate dated 19.01.2005 at Annexure P-1. It is submitted that
the petitioner was under the mistaken belief in pursuance to Annexure P-1
having been issued by respondent No.3/Institute that the degree pertaining to
the course would be issued to him. It is argued that the petitioner had
attended classes regularly and in the eventuality of his prayer for issuance of

a degree being not accepted, his entire career would be at stake.

The alternate prayer for affording an extra chance to clear one particular paper pertaining to the 8 semesters of the course is pressed by submitting that the Vice Chancellor of the University is vested with the discretion to afford additional/mercy chance and in this regard, counsel has adverted to the general Rules for examinations issued by the Maharishi Dayanand University at Annexure P-5.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the instant writ petition is wholly misconceived and deserves to be dismissed at the very threshold.

The Bachelor of Engineering in Computer Science and Engineering is a 4 year degree course. It is to be cleared by a student by passing 8 semesters. Counsel does not dispute that the petitioner could not qualify one particular paper pertaining to the 8th semester examination which was held in the year 2004. Petitioner clearly has not even availed of any re-appear chance that was permissible under the University Regulations. It is pertaining to the examination of 2004 that the petitioner had not cleared in the year 2004 that a prayer has been raised after a decade and half to be afforded a special chance. Such prayer apart from being highly belated is not supported by any University Rules/Regulations.

Petitioner concededly having failed to negotiate the entire examination pertaining to the 8th semester cannot be awarded a degree merely on the premise that he had attended all the classes of the 4 years course. It goes without saying that it was imperative for the petitioner to

have qualified all the examinations pertaining to the 8th Semester so as to get a degree.

The instant order was dictated in open Court. At this stage, counsel confronted with a situation where the writ petition was being dismissed and having taken his chance, seeks withdrawal of the writ petition.

Such request can only be termed as unfair as also unfortunate. Even such request is declined.

Writ petition is dismissed.

22.11.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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