

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

Sr. No.223

**CWP-14832-2016 (O&M)
Date of decision : 12.3.2020**

Anshul Sharma

..... Petitioner

VERSUS

Punjab Technical University, Jalandhar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Anil Chawla, Advocate, for the petitioner.

Mr. Tribhawan Singla, Advocate, for the respondents.

SUDHIR MITTAL, J. (Oral)

The petitioner was doing the B.Sc. course in Multi-Media through Distance Education Centre of respondent No.1-University. In November 2014, he took the 4th to 6th semester examinations and in August 2015, when the result was declared, he had one re-appear in both the examinations. In December 2015, he took the re-appear examination, but result was not declared. Subsequently, order dated 10.5.2016, was passed stating that the petitioner was not qualified in terms of the Rules and Regulations of the University to take 5th and 6th semester examinations and thus, only the result of the 4th semester examination was being declared.

Learned counsel for the petitioner relies on Rules and Regulations of the respondent-University reproduced in the Prospectus (Annexure P-13), to contend that a student can take a re-appear examination at any time within the maximum period prescribed for the course, which is 5 years. The relevant Rule referred to is at page No.83 of the paper-book. Thus, the respondent-University could not have withheld the result of 5th and 6th semester examinations as the said examinations were taken within the maximum stipulated period of 5 years.

Learned counsel for the respondent-University, however, submits that the petitioner appeared in the 5th and 6th semester examinations in violation of the University Rules and thus, the result thereof could not be declared. According to him, a student cannot take admission in 5th semester without completing the course work for the 4th semester. Similarly, no admission is possible in the 6th semester without completing the course work for the 5th semester. Thus, the impugned order is justified and is in accordance with the Rules and Regulations. A Rule permitting a student to take an examination within the maximum prescribed period for completion of the course, would not permit such a student to take admission in a higher semester without completing the course work of the previous semester.

The submission of learned counsel for the respondent-University is logical. Even if, a candidate can take examination at any time within the maximum prescribed period for completion of the course, he has to first undergo the prescribed course. In this case, the petitioner admittedly, did not complete the course work for 5th and 6th semester and thus, he could not take the examination therefor. The respondent-University was justified in withholding the result of the said semester.

For the aforementioned reasons, the writ petition has no merit and is dismissed. For recovery of his dues, the petitioner will have liberty to approach the civil Court.

(SUDHIR MITTAL)
JUDGE

12.3.2020

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No