

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.226

CWP-26530-2018 (O&M)

Date of decision : 26.2.2020

Suman Bala Kamboj

..... Petitioner

VERSUS

Indira Gandhi National Open University (IGNOU) and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gaurav Aggarwal, Advocate, for the petitioner.

Mr. Raghbir Tejpal, Advocate, for the respondents.

SUDHIR MITTAL, J. (Oral)

The petitioner had taken admission in January, 2012 in B. Ed course (Hindi medium) being conducted by respondent No.1-University. She could not complete the same during the prescribed period and thus, sought re-admission as per the Rules of the University. Re-admission was granted in May, 2017. Her grievance is that although, re-admission was granted, the left over programmes were not conducted and thus, the order dated 19.6.2018 refusing to conduct the programmes for the petitioner is illegal.

Admittedly, the petitioner took admission in January, 2012. Since, she could not complete the course during the prescribed period, she took re-admission under clause 2.16 of the prospectus of the respondent-University in May 2017. On 25.5.2017, she sent an email seeking allocation of a college so that she could complete the programme. Vide email of even date, the Assistant Registrar of the respondent-University informed the Regional Director, Karnal, to permit the petitioner to attend the programme at Study Centre, Sirsa. On 26.5.2017, the petitioner addressed a

permission to attend the workshop. Thereafter, it appears that no action was taken and the petitioner also kept silent for the next six months. A reminder dated 15.12.2017 was sent through email to the respondent-University, to which a reply was sent vide email dated 18.12.2017 asking the petitioner to contact the regional centre. Thereafter, the petitioner filed CWP-29420-2017, which was disposed of vide order dated 21.12.2017 with a direction to the petitioner to first approach the Regional Director, Karnal. Again the petitioner slept over the matter for another five months and sent a representation only on 24.5.2018 vide email to the Regional Director. The Regional Director responded on the same day and told the petitioner that her case was being analysed. Thereafter, the petitioner approached this Court yet again vide CWP-14212-2018, which was disposed of vide order dated 6.6.2018 with direction to the Regional Director to pass a final order on the representation dated 24.5.2018. After receipt of the said orders, email dated 11.6.2018 was sent to the Regional Director alongwith copy of the order of this Court resulting in passing of order dated 19.6.2018, wherein, the request of the petitioner for allocation of study centre and conduct of the training for the left over courses was declined on the ground that the maximum period prescribed for the B.Ed course was over.

The submission of learned counsel for the petitioner is that after being granted readmission in May, 2017, the respondent-University was duty bound to conduct training programmes to enable the petitioner to complete her course. The same not having been done, the impugned order dated 19.6.2018 is illegal and liable to be set aside.

Learned counsel for the respondent-University submits that a candidate can complete the B. Ed. course within a period of four years. In

can be completed within a further period of two years. However, after completion of six years, it is not permissible for a candidate to continue with the course. The petitioner took admission in January, 2012 and the period of six years came to an end in December, 2017. Thus, there is no illegality in the impugned order.

Clause 2.16 of the prospectus is reproduced below:-

‘The student can take re-admission of any left over courses after the expiry of maximum duration of four years. The readmission period is two years from the date of completion of maximum duration. No re-admission is allowed to any course after the expiry of six years from the date of first registration. The request for re-admission should be addressed to SRD, Maidan Garhi, only with pro-rata fee of Rs. 1600/- per course.’

A perusal of the said clause reveals that maximum duration prescribed for B.Ed course is four years and re-admission can be taken within two years, thereafter. No re-admission is possible after expiry of six years from the date of first registration. Thus, the obvious conclusion is that no student can be permitted to continue with the B.Ed course after six years from the date of first admission. The maximum period prescribed for completion of the course i.e. four years came to an end in December, 2015. The petitioner, however, sat quietly till May 2017 before seeking re-admission. Even thereafter, her attitude was very casual. After making an application dated 26.5.2017 to the Study Centre at Sirsa, she sent the first reminder only on 15.12.2017. Even after obtaining an order from this Court on 21.12.2017, she approached the Regional Director only on 24.5.2018 for

attitude of delaying action till the last moment and on account of her own casual attitude, she is presently in a situation when she is unable to complete the course as the maximum period prescribed therefor has elapsed.

Learned counsel for the petitioner would want me to read clause 2.16 such that re-admission can be taken any time within six years, but no maximum period is prescribed for completing the B.Ed. course. Such an interpretation is not logical. No course can be completed at any time that the students desire. Six years is a reasonable period and most of the Universities follow this rule for under-graduate courses. Thus, this contention is also rejected.

For the aforementioned reasons, there is no merit in this writ petition and the same is dismissed.

(SUDHIR MITTAL)
JUDGE

26.2.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No