

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

Sr. No.212

**CWP-15404-2021 (O&M)
Date of decision : 08.11.2021**

Arzaab Singh Dhindsa

..... Petitioner

VERSUS

Panjab University, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Tribhuvan Singla, Advocate, for the petitioner.

Mr. Vijay Pal, Advocate with
Ms. Roja Agnihotri, Advocate, for the respondents.

SUDHIR MITTAL, J. (Oral)

The petitioner is a student of Bachelor of Engineering (CSE). He took admission in the University Institute of Engineering & Technology in May, 2017. In December 2017, he took the first semester examination, but did not qualify in Maths (101) paper. In December 2018, he took the first reappear examination, but again could not qualify. The second reappear was taken by him in May, 2019 with the same result. In January 2020, he applied for taking third reappear examination and deposited the fees. However, examination was not held on account of Covid-19 pandemic. The exam was held in January, 2021 and the petitioner took the same. He also cleared the paper. Subsequently, vide communication dated 10.02.2021 (Annexure P-10), the result has been cancelled on the ground that he was not eligible to take the examination held in January, 2021.

Learned counsel for the petitioner submits that Clause 9 (b) of the Panjab University Examination Regulations (hereinafter referred to as the Regulations) governs the issue in question. According to the said Clause,

last attempt of the petitioner in January, 2021 was the fourth attempt and thus, declaring the petitioner ineligible is illegal.

Learned counsel for the respondents, however, submits that four attempts are to be taken over four successive examinations. If, a candidate does not avail any particular chance, he would forego the same and it would be considered as a chance taken. The fourth chance available to the petitioner was in December 2019, but he did not apply for the same. Thus, he was declared ineligible vide communication dated 01.10.2020, a copy of which is on record as Annexure R-4. That being the situation, the petitioner could not have taken the January, 2021 examination. The error was detected only after the document was scrutinized after conduct of the examination. Accordingly, there is no error in cancellation of his result.

A perusal of the document dated 01.10.2020 (Annexure R-4) shows that the petitioner had been declared ineligible to take the examination to be conducted in May, 2020. The said examination was never conducted on account of Covid-19 pandemic. It was subsequently held in January, 2021 through online mode. The petitioner had already applied for the examination and had deposited the fees and was permitted to take the same. This is despite the fact that the respondents knew that he was ineligible as is revealed by the communication dated 01.10.2020 (Annexure R-4). Thus, the petitioner was not at fault. There was no concealment of facts by him. Having permitted a student to take the chance, which is actually his fourth chance, the respondents have disentitled themselves from stating that he was ineligible. Strictly speaking, availing of the chance in January, 2021 by the petitioner is a violation of Regulation 9 (b), but he

deserves to be granted benefit only on account of the conduct of the respondents.

In view of the above, the writ petition is allowed. Communication dated 10.02.2021 (Annexure P-10) is quashed. Respondent No.2 is directed to issue the detailed marks card.

(SUDHIR MITTAL)
JUDGE

08.11.2021
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No