

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

CWP-11901-2022 (O&M)
Date of decision:- 30.05.2022

Deepika

...Petitioner(s)

Versus

Punjab Agricultural University, Ludhiana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ram Darshan Yadav, Advocate,
for the petitioner.

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RAVI SHANKER JHA, C.J. (ORAL)

This writ petition has been filed by the petitioner being aggrieved by an order dated 29.04.2022 (Annexure P-6), whereby her representation dated 22.04.2022 (Annexure P-5) has been rejected by the respondent-authorities and she has been directed to re-appear in the comprehensive examinations in accordance with Rule 7.6.7 (b) of the Rules governing the Ph.D. programme.

The petitioner has also prayed for a direction to the respondent-authorities to give her re-admission to complete the remaining course of Ph.D.

We have heard learned counsel for the petitioner at length.

The facts of the case are that the petitioner had obtained admission in the Ph.D. programme of the respondent No. 1 – Punjab Agricultural University, Ludhiana. However, on her request, she was permitted to dis-continue her study programme w.e.f. 05.10.2020 in accordance with the provisions of semester Rule 7.6.7 (b) with a specific condition that she would be permitted re-admission to the respondent No. 1 – University subject to the stipulation contained in the aforesaid Rule. Apparently, the petitioner has again sought re-admission in the programme in terms of Rule 7.6.7 (b), which requires that a student may be re-admitted by the Dean, Postgraduate studies if he/she seeks re-admission and joins the programme in the following semester after expiry of his/her two discontinued semester or earlier and that approval of the Academic Council is also required to be obtained for such admission in

case the period of this dis-continuation exceeds two semesters, but is not more

than six semesters. The Rule, however, further provides that in such cases, a Ph.D. student shall have to clear all the comprehensive examinations afresh even if he/she had cleared the same earlier.

In view of the aforesaid provisions of the Rule (ibid), the petitioner’s request for re-admission by granting her exemption/relaxation in respect of appearing afresh in the comprehensive examinations on the ground that she had already cleared the same earlier was considered and rejected by the respondent-authorities. From a perusal of the Rule as well as the facts of the case, it is evident that the respondent-authorities had examined the case of the petitioner and taken a decision in accordance with the Rules which require her to clear the comprehensive examinations afresh even in case she had already cleared the examination earlier.

Quite apart from the above, it is also evident from a perusal of an order dated 23.10.2020 (Annexure P-3) that the petitioner was allowed to discontinue her study programme w.e.f. 05.10.2020 under the provisions of the semester Rule 7.6.7 (b) with a condition that she would be permitted re-admission to the course only in case she fulfills the requirements thereof which specifically provides for re-appearing in the comprehensive examinations even in case she has already done so previously. It is settled law that this Court in exercise of its extraordinary jurisdiction cannot direct the respondent-authorities to violate their own rules and regulations as has been held by the Supreme Court in *N.M. Nageshwaramma Vs State of Andhra Pradesh and another* 1986 (Supp) SCC 166; *A.P. Christians Medical Educational Society Vs Government of Andhra Pradesh and another* (1986) 2 SCC 667 and *Maharshi Dayanand University Vs Surjeet Kaur* (2010) 11 SCC 159.

The writ petition being meritless is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.05.2022
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No