

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

Sr. No.247

Civil Writ Petition No.26582 of 2021

Date of Decision : April 26, 2022

Pawanpreet Kaur

...Petitioner

Versus

Punjabi University, Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunny Kumar Singla, Advocate, for the petitioner.

Mr. Ashish Verma, Advocate for respondents No.1 & 2.

Mr. Arun K. Kaundal, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved because only provisional Detailed Marks Card of B.Ed. Course has been issued. The reason for issuing the provisional marks card is that she was not eligible to take admission into the B.Ed Course.

The petitioner took admission in the B.Sc. Course offered by respondent No.4 in June, 2013. The first semester examination was held in December, 2013. She cleared all the papers except for Mathematics in which she took the supplementary examination in December, 2017 and passed the same. Accordingly, she was issued the B.Sc. Degree because meanwhile, she had cleared the remaining semesters up till May, 2016. In June, 2017 she took admission to the B.Ed. Course being offered by respondent No.3 which is a two year course. She passed all the examinations of the said Course within the prescribed time and was eligible for the B.Ed. Degree in June, 2019. However, she was issued only a

provisional Detailed Marks Card. Degree was not issued and thus, she has approached this Court by way of this writ petition.

Learned counsel for the petitioner submits that at the time of admission to the B.Ed. Course nothing was concealed from respondent No.1. It was aware of all facts because the B.Sc. Degree was issued only in December, 2017 i.e. six months after taking admission to the B.Ed. Course. Thus, non-grant of B.Ed. Degree and non-issuance of Detailed Marks Card for the said Course is illegal. Reliance has been placed upon ***Sanatan Gauda vs. Berhampur University and others, 1990 AIR (SC) 1075*** and ***Harmanpreet Kaur vs. Gurunank Dev University and others, 2015(1) PLR 720.***

Learned counsel for respondent No.1 submits that the record shows that objection was raised regarding the eligibility of the petitioner to take admission to B.Ed. Course in December, 2017 as is evident from the provisional result of the first semester of the B.Ed. Course placed on record as Annexure P-9. Same objection was raised at the time of declaration of result of the remaining semesters also but the petitioner ignored the objection. Judgments in ***Sanatan Gauda (supra)*** and ***Harmanpreet Kaur (supra)*** are not applicable because in the said cases objection regarding eligibility was raised only at the time of final declaration of result.

The facts are not in dispute. Objection was raised on behalf of respondent No.1 regarding eligibility of the petitioner however, at a belated stage. The first time ever that objection was raised was in December, 2017 at the time of declaration of the first semester result of the B.Ed. Course. This

shows that no objection was taken regarding the eligibility of the petitioner when she actually took admission to the B.Ed. Course. It is also apparent that there was no concealment on the part of the petitioner because she was not in possession of her B.Sc. Degree when she took admission to the B.Ed. Course. Thus, objection though raised to the eligibility of the petitioner was raised at a belated stage. Respondent No.1 should have perused the documents submitted at the time of admission i.e. in June, 2017 but obviously the same was not done. Meanwhile, the petitioner has cleared the B.Ed. Course. Thus, she cannot be deprived of the Degree for the said Course only on the ground of eligibility. Respondent No.1 is also estopped by its act and conduct from objecting to her eligibility.

In *Sanatan Gauda (supra)*, the petitioner had taken admission to the three years law Course after passing his M.A. Examination. He completed the first year and second year of this Course and was admitted to the final year. However, results of the first and second year examinations were not declared on the ground that he was ineligible to take admission to the three year law Course having scored less percentage than that prescribed for admission. The Supreme Court allowed the civil appeal filed by the petitioner therein by recording a finding that no concealment was made by the petitioner and therefore, the respondent therein was estopped by its act and conduct from raising an objection regarding his eligibility. In *Harmanpreet Kaur (supra)*, the petitioner had passed her BCA Course through distance education mode and had taken admission to the B.Ed. Course. She completed her first year of the said Course but was disqualified from completing the final semester on the ground of eligibility. The

objection was that a candidate who had acquired the degree of graduation through distance education mode was not eligible for admission to the B.Ed. Course. The objection was rejected by this Court by holding that apart from the graduate degree through distance education, the petitioner had acquired a Postgraduate Degree through regular mode and the same was also one of the eligibility criteria prescribed for admission to the B.Ed. Course. That apart, the action was held to be unfair and untenable in law because there was no concealment on the part of the petitioner. Both these judgments support the case of the petitioner.

In view of the aforementioned reasons, the writ petition deserves to be allowed. Respondent No.1 is directed to issue the Detailed Marks Card and degree/certificate for the B.Ed. Course within four weeks from the date of receipt of certified copy of this order.

April 26, 2022*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned Yes

Whether Reportable Yes