

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-135-2021 (O&M)
Date of decision: 04.09.2023

Sumit Kumar

...Petitioner

Versus

Prof. (Dr.) Buta Singh Sidhu and another

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. S.S. Bhinder, Advocate and
Ms. Indira, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for initiating contempt proceedings against the respondents for non-compliance of the order dated 15.12.2020 passed in CWP-8698-2020.

Learned counsel for the petitioner submits that the petitioner filed aforesaid writ petition with a prayer to quash the order dated 06.02.2020, vide which result of the petitioner was cancelled and he was debarred from attending the classes and appearing in any examination of

the University.

While issuing notice of motion, the writ Court passed the following order: -

“Learned counsel for respondent-University has informed that challan in the FIR has not been filed till date and the investigation is going on.

Adjourned to 19.04.2021.

In the meantime, petitioner(s) are allowed to attend the classes and participate in the examinations in December, 2020, which shall be subject to the final decision of these petitions.

Photocopy of this order be placed on the files of connected petitions.”

It is further submitted that in compliance of the aforesaid order, Campus Director, Giani Zail Singh Campus College of Engineering & Technology, Bathinda passed the following order: -

“As per the approval of Hon’ble Vice-Chancellor MRSPTU Bathinda, I am directed to convey that the 3 petitioner students of Btech Civil Engg namely Mr. Sumit (UR No.170120246), Mr. Samarjot Singh (UR No.170120245) and Mr. Charanpreet Singh (UR No.99170120004) shall attend classes for the even semester to start soon. The odd semester has already ended on 15.12.2020 as per pre-notified schedule. Furthermore, these

students shall participate in December University examinations in the subjects, in which they are eligible, having completed attendance and other requirements of these examinations.

The above is subject to final decision of the concerned petitions before Hon'ble High Court of Punjab & Haryana."

Learned counsel submits that since the petitioner was not permitted to attend the classes, therefore, the respondents have violated the directions.

Reply by way of affidavit of Controller of Examination, Maharaja Ranjit Singh Punjab Technical University, Bathinda is on record, in which it is stated that the petitioner has given a false statement that examination of 7th semester was postponed from 01.01.2021 to 29.01.2021, whereas examination of 7th semester was concluded on 11.01.2021, as it commenced on 01.01.2021 and all the examinations of four papers were over on 11.01.2021. It is further stated that in terms of the order dated 15.12.2020, the petitioner was allowed to appear in examination of 5th semester and he appeared in two papers of 5th semester held in December, 2020 and January, 2021, though he neither attended the classes of 6th and 7th semesters nor he was awarded any internal marks of assessment, so he was ineligible to appear in 7th semester examination due to lack of completion of lectures and internal assessment marks.

Learned counsel for the respondents submits that as on today, the petitioner has completed the degree of B.Tech (Civil Engg.).

In reply, learned counsel for the petitioner submits that due to act and conduct of the respondents, the petitioner has lost one year.

In view of the affidavit of Controller of Examination, Maharaja Ranjit Singh Punjab Technical University, Bathinda that the petitioner has not attended the classes of 5th and 6th semesters and he was not allotted any internal assessment marks, it cannot be held that the respondents have committed any violation and no action can be taken against them for own fault of the petitioner.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

04.09.2023
vishnu

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