

LPA-371-2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-371-2020 (O&M)

Date of decision: 10.08.2023

Krishan Kumar

...Appellant.

Versus

Maharishi Dayanand University and others

..Respondents.

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Vikram Singh, Advocate
for the appellant.

SUKHVINDER KAUR, J.

This Intra Court Appeal has been preferred against the Judgment/ order dated 22.11.2019 passed by a learned Single Judge of this Court, whereby the appellant's writ petition has been dismissed.

2. The brief facts are that in the year 1999, the appellant took admission in the course of Bachelor of Engineering in Computer Science and Engineering in BRCM College of Engineering and Technology, Bahal, District Bhiwani (respondent No.3), which is a private institute affiliated to Maharishi Dayanand University, Rohtak. The duration of the said course was 04 years. Respondent No.3/College provided the appellant a Provisional-cum-Character Certificate dated 19.01.2005, on receipt of which, the appellant was under the belief that he had successfully passed the Bachelor of Engineering Course and that the degree for the same would be later issued to him in due course. However, when he obtained a duplicate

copy of the Detail Marks Card of his 8th Semester he came to know that he had failed in the subject of Artificial Intelligence and Expert Systems. When he approached the university for permitting him to re-appear in the said subject, they refused to accept his re-appear form. Thereafter, he also gave a representation dated 03.10.2019 to the respondent-University but to no avail. Thus, through his petition filed before this Court, the appellant prayed for the grant of a chance to clear the said subject of his 8th semester. Vide order dated 22.11.2019, his petition was dismissed by the learned Single Judge. Hence, the present Intra Court Appeal.

3. Learned counsel for the appellant has argued that respondent No.3-College misled the appellant by providing him the Provisional-cum-Character Certificate dated 19.01.2005 and by even calling him for the 2nd convocation on 30.04.2005 for handing over to him Bachelor of Engineering Degree but thereafter, he was told that his result had been delayed and he would get his degree after 30.09.2005. He has further contended that the appellant was under the impression that he had successfully passed his Bachelor of Engineering degree but when he obtained duplicate copies of Detail Marks Card of the 8th semester only then did he come to know that he had failed in the subject of Artificial Intelligence and Expert Systems. Accordingly, he approached the respondent-University to seek permission to re-appear in the said subject but was not allowed to do so. Despite his moving a representation dated 03.10.2019 before respondent No.2, no action was taken. The respondents even refused to accept his re-appear form and therefore, he is suffering for this inaction on the part of the respondents. He has contended that under Rule 12 of General Rules for Examinations, Maharshi Dayanand University,

the Vice Chancellor can consider his request for allowing of an extra chance for clearing his compartment/re-appear. It has also been submitted that the appellant cannot be said to be at fault as respondent No.3-College provided him a wrong result and that the impugned order dated 22.11.2019 passed by learned Single Judge is illegal, unjust and unfair.

4. Learned counsel for the appellant has been heard and with his able assistance the records of the case have also been perused.

5. A perusal of the result-cum-Detail Marks Card of the 8th semester of the appellant's Degree course reveals that he had appeared in the examinations of the 8th semester in May, 2004 and that he was declared to have failed in the subject of Artificial Intelligence and Expert Systems.

6. Thus, the appellant appeared in the 8th semester examinations in May, 2004 and failed in the subject of Artificial Intelligence and Expert Systems. It is not disputed that after May 2004 the appellant did not avail any reappear chance and that only after a lapse of 15 years did he awake from his slumber and requested the university for the grant of an extra chance to clear the subject in which he had failed way back in May, 2004. In these facts, the learned Single Judge has rightly held that the appellant's prayer was highly belated.

7. The reliance of the appellant on Rule 12 of General Rules for Examinations, Maharshi Dayanand University, Rohtak, Haryana, is also misconceived. The said Rule reads as under:-

“The Vice-Chancellor may consider the request of candidates for allowing an extra chance for clearing compartment/re-appear in lieu of any chance which he/she might have missed on account of participation in sports on

behalf of the University, revision of result after re-evaluation, delay in the declaration of result due to registration, awards, decision of unfair means case etc. due to no fault of the candidate.”

8. The case of the appellant is not covered under any of the eventualities caused under the afore quoted Rule.

9. In the light of the above, the learned Single Judge is found to have aptly considered the matter in the right perspective. There is no illegality or perversity in the impugned judgment warranting any interference.

10. Dismissed.

All pending applications, if any, also stand disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

10.08.2023

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