

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

RSA-3848-2003 (O&M)

Date of decision: 17.01.2023

Rajesh Kumar

...Appellant

Versus

M.D. University, Rohtak and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ashwani Gaur, Advocate for the appellant.

Mr. Shrenik Jain, Advocate for the respondent-University.

H.S. MADAAN, J. (Oral)

Plaintiff Rajesh Kumar had filed a suit against M.D. University, Rohtak through its Registrar and the Standing Committee for deciding the UMC cases, M.D. University, Rohtak through its Chairman, seeking a declaration that the impugned decision conveyed through Annexure P1 by defendant No.2 is illegal, null and void, further craving for grant of decree for mandatory injunction issuing a direction to the defendants to declare his result for the examination held in the month of May, 2000.

As per facts of the case, the plaintiff had appeared for M.Sc (P) examination held in May 2000 under Roll No.100799 issued by defendant No.1-university for improvement of marks. The examination had gone smoothly, however, subsequently, the plaintiff

was informed telephonically that he had been booked for using unfair means in the examination. The plaintiff accordingly went to the University campus where UMC Committee was hearing the cases. The official of committee took signatures of plaintiff on 2-3 papers, stating that record was not available but subsequently, he received decision by UMC Committee that the entire examination in which the plaintiff had appeared had been cancelled and he had been debarred from appearing in any university examination for a period of one year. Feeling aggrieved, the plaintiff had filed the suit in question.

2. On getting notice, the defendants appeared and filed written statement, contesting the suit, raising various legal objections. On merits, contending that on receiving report from the examiner that in his opinion the attached continuation sheet was in different hand writing, therefore, a case of unfair means was registered against the plaintiff. He was served with a charge-sheet enclosing statement of charges with regard to misconduct during the examination, vide letter dated 29.08.2000 informing him that flow and style of the handwriting in the continuation sheet attached with the main answer book appeared different and it was a case of impersonation.

The plaintiff appeared before the Standing Committee and signed the attendance certificate on 08.09.2000. He was afforded proper hearing and thereafter, he was debarred by the said Committee and was informed about the punishment vide letter dated 12.04.2001.

The punishment was to remain in force for a period of one year i.e. upto May 2001. The version set up by the plaintiff in the plaint was refuted being wrong and a prayer was made for dismissal of the suit.

3. The plaintiff filed replication, controverting the allegations in the written statement, whereas, reiterating the averments in the plaint.

4. From the pleadings of the parties, following issues were framed:-

- 1. Whether the impugned decision Annexure P-1 is illegal, null and void? OPP.*
- 2. Whether the defendants can be directed to declare the result of the examination of the plaintiff held in May, 2000? OPP.*
- 3. Whether the plaintiff already stands debarred from appearing in any University examination in a period of one year upto including May, 2001? OPD.*
- 4. Relief.*

5. During the course of evidence of plaintiff, plaintiff examined Ram Mehar Hooda, Assistant as PW1, Anup Singh Clerk as PW2, plaintiff himself got his statement recorded as PW-3, besides examining Sh. Bagwan Sharma, Assistant as PW-4, Sh. Deepak Jain, Handwriting and Finger Print Expert as PW-5 and thereafter, closed his evidence.

6. In rebuttal, the defendants examined Mahender Singh, Superintendent as DW-1 and thereafter, their evidence was closed.

7. After hearing arguments, the trial Court recorded findings

that the impugned decision Ex.P1 is legal and binding upon rights of the plaintiff and the defendants cannot be directed to declare the result of examination of plaintiff held in May, 2000. The version set up by the plaintiff was disbelieved whereas that put-forward by the defendants was found to be worthy of reliance. As such, the suit of the plaintiff was dismissed by the trial Court of Addl. Civil Judge (Sr. Divn.) Rohtak, vide impugned judgment and decree dt. 04.10.2002

8. Although feeling aggrieved, the plaintiff had preferred an appeal before District Judge, Rohtak which was assigned to Addl. District Judge-I, Rohtak but the same was dismissed, vide judgment and decree dated 07.04.2003, affirming the findings recorded by the trial Court.

9. Still feeling aggrieved, the plaintiff had preferred an appeal before this Court, notice of which was given to the respondents, who have put in appearance through counsel.

10. I have heard learned counsel for the parties besides going through the record.

11. There are concurrent findings recorded by the Courts below that the plaintiff had appeared in M.Sc (P) examination held in May, 2000 for improvement of his previous result and on a report being received by examiner that he had used unfair means, a probe in the matter was conducted, affording an opportunity of being heard to the plaintiff and when the allegations against him were found to have merit, then the impugned order of punishment was passed against him,

debarring him from appearing in any examination conducted by the university for a period of one year. The findings recorded by the Courts below are based upon proper appraisal of evidence and correct interpretation of law. I do not find any illegality or infirmity therein. No substantial question of law arises in this appeal. Even otherwise, period of one year for which the appellant/plaintiff was debarred has expired since long. The appeal is found to be without merit and is dismissed accordingly.

17.01.2023

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(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No