



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-5718-2021 (O&M)
Date of Decision:02.09.2024

Rakesh Kumar

.....Petitioner

Versus

Chaudhary Charan Singh Haryana Agriculture University and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Harsh Mehla, Advocate for the petitioner.

Mr. Shreenath A. Khemka, Advocate for the respondent-
University.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the notice dated 07.09.2019 (Annexure P-3) issued by respondent-University and for quashing the letter/order dated 10.12.2019 (Annexure P-6) passed by the Dean, Postgraduate Studies, CCS HAU, Hisar.

2. The brief facts of the present case are that the petitioner was a student of M.Sc. (Agriculture) in the discipline of Soil Science in the respondent-University namely Chaudhary Charan Singh Haryana Agriculture University, Hisar, Haryana. The petitioner passed the aforesaid course of M.Sc. which was a two years course from the years 2015 to 2017 with First Division. Annexure P-2 is the transcript of academic records.



3. The grievance of the petitioner is that he has been denied Gold Medal in the aforesaid course of M.Sc. for which he is entitled under the Rules and Regulations for the B.V. Sc.& A.H. Degree Programme, attached with the present petition as Annexure P-4 and the same is the part of University Calendar and these Rules and Regulations have been framed under the aforesaid Calendar. In Part C of the aforesaid Calendar there is a provision for grant of Gold Medal under Chapter No.XVIII wherein General Rules applicable for all the Gold Medal/Awards have been prescribed. The grievance of the petitioner is that he not only fulfilled the conditions as contained therein but also had secured the highest OGPA and therefore he is entitled for the Gold Medal in accordance with the aforesaid statutory rules whereas as per Annexure P-3 it has been decided by the respondent-University to give the Gold Medal to respondent No.4 who has secured less OGPA than the petitioner and therefore it is in violation of the aforesaid statutory rules.

4. Learned counsel appearing for the petitioner submitted that as per Rule 2.4 of the aforesaid Chapter XVIII, it has been specifically provided under the heading of 'General Rules Applicable on all Gold Medals/Awards' that for the awards meant for M.Sc. Programme, the student must have completed the Programme in six semesters (to be counted from the date of registration upto date of notification) and must have obtained OGPA of at least 7.5/10.00 basis and must have taken at least 25 credit hours at the end of 1st year of his/her registration, or in normal duration 60% marks. The aforesaid credit hours have also been defined in Regulation 2.4 of Chapter II i.e.the Definitions clause, to



mean that the weekly unit of work recognized for any particular course as per the course catalogue issued by the University. The ratio and proportion of the assignment of the credit hours have been so further stated to be that a theory class of one hour per week shall count as one credit hour whereas a practical class of two hours or a working period of three hours in the Teaching Veterinary Clinical Complex per week shall count as one credit hour. Learned counsel for the petitioner while referring to Annexure P-2 which is the transcript of academic records of the petitioner, submitted that a perusal of the same would show that for the first year i.e. two semesters, the total credit hours of the petitioner comes out to be 30 hours and as per the provision contained in Chapter XVIII as aforesaid for the first year in case a student gets 25 credit hours at the end of the first year and he also gets OGPA at least 7.5 out of 10 then he will be eligible for the gold medal. He further submitted that so far as the OGPA is concerned, the petitioner admittedly got 8.58 OGPA which is so reflected in the aforesaid Annexure P-2 and there is no dispute with regard to the same but so far as the counting of the credit hours is concerned, a perusal of Annexure P-2 would show that his credit hours are also 30 which are more than the minimum required credit hours i.e.25 hours and in this way he fulfills both the qualifications of OGPA and also of the credit hours which are so stipulated in the aforesaid Chapter XVIII.

5. He further submitted that as per Regulation 3(iv) of Chapter XVIII ‘Dr. S.D. Nijhawan Gold Medal’ is to be awarded to a student of Master’s Programme securing the highest OGPA in the discipline of Soil



Science and in pursuance of aforesaid Regulation 3(iv), since the petitioner is having the highest OGPA in the Soil Science, he is entitled for the aforesaid Dr. S.D. Nijhawan Gold Medal in accordance with the aforesaid regulations. He submitted that, however, the petitioner has been denied the benefit of the aforesaid right which accrued to him under the University Calendar on the ground that his credit hours pertaining to some of the subjects are to be excluded. While referring to the reply filed by the respondent-University, he referred to para No.6 of the same wherein a chart has been shown to depict that some of the subjects in which although the petitioner secured credit hours but they have been excluded from the total aggregate by giving a justification that these credit hours do not attach themselves with a specific grade and these subjects/courses are only pertaining to the eligibility being satisfactory or non-satisfactory and since they are not attached with any grade even if credit hours have been given to a student/candidate, the same are required to be excluded and there are four subjects which have been shown in the shaded portion of the aforesaid chart/table, which have been excluded from the total credit hours and after excluding the same, the total credit hours are shown to be 24 which falls short of 25 credit hours i.e. the minimum required credit hours for the aforesaid Gold Medal and in this way the petitioner has been unlawfully excluded from the zone of consideration for the grant of gold medal.

6. Learned counsel further submitted that neither there is any rationale nor there is any such provision by which the aforesaid credit hours have been excluded. He again referred to the definition of the



‘credit hours’ which does not make any distinction between different subjects/course and therefore the action of respondent-University is in violation of the their own Rules and Regulations.

7. He further submitted that vide Annexure P-3, respondent No.4 has been chosen for the grant of gold medal but as of today the aforesaid Gold Medal has not been physically given to respondent No.4 although decision has been taken for granting Gold Medal to respondent No.4 because he was second in merit whereas the petitioner was first in merit but the petitioner has been disqualified only on account of the aforesaid non-counting of the credit hours of some of the subjects which was without the authority of law and against the aforesaid Regulations.

8. Learned counsel further submitted that when the aforesaid Annexure P-3 was passed which was in the form of a notice that respondent No.4 is to be given the Gold Medal, objections were invited in this regard. Thereafter, the petitioner filed objections to the same vide Annexure P-5 and the same were considered by the Vice Chancellor and thereafter has been ordered to file the same vide Annexure P-6. He further submitted that the aforesaid Annexure P-6 has been written by the Dean, Postgraduate Studies, CCS HAU, Hisar but not a single reason has been assigned either by the Dean or by the Vice Chancellor as to how the objection which has been raised by the petitioner vide Annexure P-5 has been considered and rejected. He submitted that the aforesaid order Annexure P-6 is absolutely perverse and cryptic order as not even a single reason has been assigned.



9. On the other hand, learned counsel for respondent-University while referring to the reply submitted that the only justification given by the respondent-University is that University has counted only those credit hours to which the grades are attached and has excluded those credit hours where no grades are attached and only satisfactory or non-satisfactory grades are given. He further submitted that reasoning given in the reply is that in those subjects where even grading is not done, the benefit of credit hours cannot be given to the candidate and therefore after excluding the four subjects as so depicted in para No.6 of the reply, the petitioner has obtained only 24 credit hours which are less than the minimum requirement and therefore he is not qualified to get the Gold Medal. He also submitted that Gold Medal to respondent No.4 has not been physically given as yet but it has been decided by respondent-University to give the Gold Medal to him as he is placed at 2nd position in the merit list after the petitioner. He further asserted that it is an undisputed position that the petitioner has obtained OGPA of 8.58 whereas respondent No.4 has obtained OGPA of 8.42 and the only reason for denial of the Gold Medal to the petitioner is that he is having less credit hours as per Para No.6 of the reply and therefore he is not eligible for Gold Medal.

10. I have heard learned counsels for the parties.

11. The issue involved in the present case is as to whether the petitioner is entitled for the award of Gold Medal in view of the Regulations, so described in the Calendar of the University and having a statutory force because the respondent-University has been created by an



Act of Legislature. Before proceeding further the relevant provisions of the University Calendar of Chapter II and Chapter XVIII are reproduced as under:-

“CHAPTER II

2 DEFINITIONS

2.1 xxxx xxxx xxxx

2.2 xxxx xxxx xxxx

2.3 *“Course Catalogue” means a list of approved courses for the degree programme wherein a course is identified with a specified code and number giving course contents and credits assigned to it*

2.4 *“Credit Hours” means the weekly unit of work recognized for any particular course as per the course catalogue issued by the university. A theory class of one hour per week shall count as one credit hour whereas a practical class of two hours or a working period of three hours in the Teaching Veterinary Clinical Complex per week shall count as one credit hour”.*

xxxx xxxx xxxx

CHAPTER XVIII

2. GENERAL RULES APPLICABLE ON ALL GOLD MEDALS/AWARDS

xxxxxx xxxxxx xxxxxx

2(4). *For the awards meant for M.Sc.programme, the student must have completed the programme in six semesters (to be counted from the date of registration upto date of notification), must have obtained OGPA of at least 7.5/10.00 basis and must have taken at least 25 credit hours at the end of 1st year of his/her registration, or in normal duration 60% marks.”*

3. MEDALS/AWARDS FOR U.G. STUDENTS

xxxx xxxx xxxx

3 (iv) **Dr. S.D. Nijhawan Gold Medal:**



Dr. S.D. Nijhawan Gold Medal will be awarded to a student of Master's Programme securing the highest OGPA in the discipline of Soil Science."

12. A bare perusal of the aforesaid provision would show that the criteria for the grant of Gold Medal for the M.Sc. Programme has been specifically and unambiguously provided wherein if a student has obtained OGPA of at least 7.5 out of 10 and has also taken at least 25 credit hours at the end of the first year then he/she will be considered for the Gold Medal. For the purpose of the present particular Gold Medal which is in the name of Dr. S.D. Nijhawan Gold Medal, the merit is to be seen by virtue of Rule 3(iv) of Chapter XVIII which specifically provides that aforesaid Gold Medal will be awarded to a student of Master's Programme securing the highest OGPA in the discipline of Soil Science. Admittedly the petitioner has secured 8.58 OGPA whereas respondent No.4 has obtained 8.42 OGPA and therefore so far as the merit is concerned the OGPA of the petitioner is highest and more than that of respondent No.4 and regarding which there is no dispute nor the same has been raised by the respondent-university.

13. However, the only dispute which has been raised by the respondent-University is that even if the petitioner is having higher OGPA, the petitioner is not qualified for the Gold Medal because he did not secure 25 credit hours in pursuance of the aforesaid Rule 3(iv) of Chapter XVIII. The argument of learned counsel for the petitioner is while referring to transcript of academic record (Annexure P-2) wherein a perusal of the same would show that for the first year the petitioner



obtained 30 credit hours in different subjects and which was in consonance with the aforesaid Rule 3(iv) of Chapter XVIII but he has been awarded only 24 credit hours by excluding 06 credit hours. The argument of learned counsel for the respondent-University as per reply is that those six credit hours have been excluded because there is no grade attached to the same because for those four subjects it is rated as satisfactory or non-satisfactory and the petitioner had satisfactory score. The argument of learned counsel for the respondent-University is that since no grade in numbers is attached, the same cannot be counted for the purpose of total number of credit hours.

14. The aforesaid argument made by learned counsel for the respondent-University is not only unsustainable but is also in violation of the statutory rules which are contained in Chapter XVIII of the aforesaid Calendar. A perusal of the aforesaid Regulation 2 (4) of Chapter XVIII would show that a student must have taken at least 25 credit hours at the end of the first year and there is no further sub classification of the credit hours and the only interpretation of the aforesaid regulation would be of taking 25 credit hours at the end of first year. A perusal of definition of 'credit hours' which is so contained in Regulation 2.4 of Chapter II as reproduced above would clearly show that the aforesaid expression 'credit hours' starts with the word "means". Therefore the scope of the aforesaid definition is exhaustive in nature. The definition of credit hours is not inclusive but it is exhaustive in nature. Apart from the above, the language of the aforesaid Regulation 2.4 is plain and simple and the definition being clear and unambiguous there is no distinction



or sub classification of the expression 'credit hours' because it simply provides that the credit hours would mean weekly unit of work recognized for any particular course as per the course catalogue issued by the University. However, when the credit hours are to be given then for theory class it is stated to be given 01 hour per week and for the practical it is 02 hours and for teaching it is 03 hours but by no stretch of imagination can it be said that any further sub-classification for the purpose of exclusion of those credit hours which attach the numbers as grades are to be included and the others are to be excluded.

15. It appears that while producing the chart at para No.6 of the reply wherein 04 subjects have been excluded, an artificial distinction has been made by the respondent-University which is not based upon any law or any other provision. The distinction, therefore, had an effect of exclusion of 06 credit hours pertaining to the petitioner which in turn had an effect of depriving him from Gold Medal notwithstanding the fact that he was having the highest OGPA of 8.58. This Court is of the considered view that the action of the respondents-University is not only perverse and against their own Calendar but it has also affected the career of the petitioner wherein he has been deprived of the Gold Medal for hypothetical and non-existent reasons.

16. Not only this even when Annexure P-3 was passed, the objections were invited and the petitioner filed objections to the same vide Annexure P-5. Thereafter, vide Annexure P-6, it was communicated to the petitioner that his application was considered by worthy Vice Chancellor and it has been ordered to file the same but no reason has



been mentioned. Furthermore, as to whether the Vice Chancellor of the University has applied his mind and passed a reasoned order or not, the same is not depicted from the reply filed by the respondent-University nor there is any document placed on record by the respondent-University to show as to whether the Vice Chancellor of the respondent-University applied his mind or not.

17. Therefore, the aforesaid order of rejection of the objection is *ipse dixit* of the officer concerned including the Vice Chancellor because no order has been placed on record wherein it can be shown that any of the officer of the University including the Vice-Chancellor or the Dean applied his mind on the objection filed by the petitioner.

18. The respondent-University is an Educational Institution. High responsibilities are attached to those educational institutions which are of the level of the Universities. Educational institutions deal with the lives and careers of their own students. They are supposed to not only be sensitive towards the careers of their students but they are also supposed to adhere to their own Rules and Regulations. Once an express law has been made which applies to the educational institutions then the same cannot be interpreted by adding their own words and making such kind of classifications which are not permissible under the law. It is not at the whims and fancies of the officers of the University including the Vice Chancellor to grant benefit to any student and to deny to any other student on hypothetical reasons as the same has been done in the present case.



19. When notice of motion was issued by this Court on 10.03.2021, it was directed that awarding of the Gold Medal as such shall be subject to the final outcome of the writ petition. It is also important to note that respondent No.4 was served but despite being served, he has not appeared and has not represented before this Court.

20. Considering the aforesaid facts and circumstances, the present petition is allowed. The notice at Annexure P-3 qua Dr. S.D. Nijhawan Gold Medal and order Annexure P-6 are hereby set aside. The respondent-University is directed to consider the claim of the petitioner for the grant of 'S.D.Nijhawan Gold Medal' by treating his credit hours to be 30 credit hours instead of 24 credit hours and thereafter to pass a speaking order with regard to the same within a period of three months from today.

21. Considering the aforesaid facts and circumstances of the present case where a student of the University had to knock the doors of this Court for the purpose of granting of Gold Medal to which he is entitled but because of the arbitrary, perverse and illegal action of the respondent-University, he has been denied the same, the petitioner is also entitled for costs which are assessed as Rs.25,000/-(Rupees twenty five thousand) which shall be paid by the respondent-University to the petitioner within the aforesaid time frame.

(JASGURPREET SINGH PURI)
JUDGE

02.09.2024

shweta

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No