



CWP-10140-2024 (O&M)

-1-

273

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

**CWP-10140-2024 (O&M)
Date of Decision: 21.08.2024**

Pinaz and another

..... Petitioners

Versus

Punjabi University and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lovish Arora, Advocate,
for the petitioners.

Mr. H.S. Batth, Advocate,
for respondents No.1 to 5.

Mr. Manpreet Singh Sidhu, Advocate,
for respondent No.6.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *mandamus* directing the respondent to declare the result of 3rd Semester of LLB (Three Years Course) Examination of the petitioners which has been withheld without any justification.

2. Learned counsel for the petitioner submitted that it is a case where both the petitioners had earlier got admission in Rayat-Bahra College but they migrated to respondent No.6-College, namely, Lincoln College of Law in November, 2020 by adopting proper procedure. Thereafter they did not appear for the 3rd Semester examination but after about one year in November, 2021, they appeared for the 3rd Semester examination for LLB as



Re-Appeal candidate but the result of the aforesaid 3rd Semester has not been declared by the University till date. He further submitted that the grievance of the petitioners is that respondent-University has wrongly withheld the result of the petitioners for the 3rd Semester and the reason was that the petitioners appeared as private candidates and since they had appeared as private candidates, the Internal Assessment Report was not sent by the College to the University and therefore, the result of the petitioners could not have been declared by the University. He also submitted that in fact the petitioners did not apply as a private candidate and they have applied through the College as a regular candidate, regarding which, even the records were shown to this Court on the last date of hearing and the same has also been brought to the Court today, according to which, the College had sent the application form for the 3rd Semester through proper channel and on the aforesaid form there is a stamp of the College which shows that the petitioners have appeared in the 3rd Semester as regular candidates and not as private candidates and thereafter, Internal Assessment Report was also sent by the College to the University but after passage of some time. He also submitted that even otherwise also after the aforesaid appearance in the 3rd Semester as regular candidates both the petitioners have also appeared for 4th, 5th & 6th Semesters and University has never raised any objection with regard to the aforesaid 4th, 5th and 6th Semesters and rather have declared the result of the aforesaid semesters of both the petitioners and now at the time of grant of Degree to both the petitioners after completion of the LLB Course, the same has been denied because the result of the 3rd Semester has not been declared because of the aforesaid reason. He submitted that acute prejudice



has been caused to the petitioners for no fault of theirs and a direction may be issued to the University to declare the result of 3rd Semester of both the petitioners.

3. On the other hand, Mr. Manpreet Singh Sidhu, learned counsel appearing on behalf of respondent No.6-Lincoln College of Law submitted that he has brought the original record of the College and as per the record, the petitioners had filled up the application forms for the 3rd Semester which were endorsed and sent by the College to the University on which there is a stamp of the College and was sent on 26.12.2020 but the petitioners did not appear for the 3rd Semester exams in December, 2020 and they thereafter appeared for the 3rd Semester exams in December, 2021 as Re-Appear candidates. He further submitted that in this way, the petitioners had filled up the application forms not as private candidates but as regular candidates because they were students of the College and therefore, it cannot be said that the petitioners had appeared as private candidates.

4. Mr. H.S. Batth, learned counsel for respondents No.1 to 5-University submitted that since the petitioners had applied for the aforesaid 3rd Semester by filling up of an application form, it was detected by the University later on that they had applied in the capacity of private candidates and therefore, the Internal Assessment Report was required to be sent by the College which was not sent. He further submitted that so far as the 4th, 5th & 6th Semesters are concerned, since the mistake was not detected by the University at an earlier stage, the petitioners were permitted to take the aforesaid examination for 4th, 5th & 6th Semesters and the University has declared the result of the aforesaid semesters in which they are shown to be



Pass. He further submitted that now because of the aforesaid technical reason the result of the 3rd Semester of both the petitioners could not be declared.

5. I have heard the learned counsels for the parties.

6. It is a case of two students who were earlier admitted in Rayat-Bahra College but were migrated to the Lincoln College of Law-Respondent No.6 in the 3rd Semester in November, 2020. However, they did not appear for taking the aforesaid examination but they had sent the form to the College and the College thereafter forwarded the same to the University by putting a seal on the same. Thereafter, the petitioners had appeared for 3rd Semester in December, 2021 and the University did not declare the result. Thereafter, the petitioners appeared for 4th, 5th & 6th Semesters examination, regarding which, the University permitted them to appear and rather declared the result as Pass. However, the result of 3rd Semester was not declared because as per the University they appeared as private candidates and otherwise also their Internal Assessment Reports were not sent but as per the record which has been produced by respondent No.6, the application forms which were sent to the University by the College in November, 2020 bears the seal and stamp of the College and in this way, according to the College, they had appeared as regular candidates and their forms were sent as regular candidates and not as private candidates. Thereafter, even as per the learned counsels for the parties, the Internal Assessment Report has been sent in October, 2022, in pursuance of the letter sent by the University. In this way, although the entire formalities have now been completed may be with delay but the fact remains that the University itself had permitted both



the petitioners to take the examination for 4th, 5th & 6th Semesters in which they are shown to be Pass and in this way, they completed their LLB Course but because of non-regularization, the result of 3rd Semester of both the petitioners was not declared and they could not get their LLB Degree.

7. During the course of arguments, a specific query was raised to the learned counsel for the respondents-University as to whether any action was taken against the College in case any misdoing or any breach of any procedure was attributable to the respondent-College to which he submitted that no action was taken by the University in this regard.

8. After hearing the learned counsels for the parties, this Court is of the considered view that in case the University at that point of time in the 4th Semester had raised any objection with regard to the aforesaid 3rd Semester of the petitioners then probably it would have been a different situation but the University itself had permitted the petitioners to take the examination of 4th, 5th & 6th Semester which they have completed. Therefore in case the result of 3rd Semester is not declared then it will cause a severe prejudice to the career of the petitioners who have completed their three years LLB Course. Even otherwise also, as of now, as per the learned counsels for the parties, there is no impediment in this regard because even if assumingly the petitioners had appeared as private candidates, then too their Internal Assessment Report has already been sent. This Court is further of the considered view that without going into the aforesaid controversy as to whether the Internal Assessment Report was required to be sent or not, it will be in the interest of justice, to direct the University to declare the result of 3rd Semester of both the petitioners for the purpose of safeguarding their



CWP-10140-2024 (O&M)

-6-

interest pertaining to their career. This becomes more important in view of the fact that the fault is attributable to the University as well because they did not take up any objection at an appropriate time, when the petitioners were taking examination for 4th Semester and rather permitted them to take the examination of the aforesaid semester which they have passed. Therefore, the present petition is allowed. The respondent-University is directed to declare the result of 3rd Semester of both the petitioners within a period one month from today.

21.08.2024

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |