

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130

CWP-11637-2024

Date of decision: 16.05.2024

Mayank Kalra

... Petitioner

Versus

Panjab University Chandigarh & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Mahavir Singh Sharma, Advocate,
for the petitioner.

VIKAS BAHL, J. (Oral)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 06.05.2024 (Annexure P-2) whereby the petitioner has been held disqualified from examination concerned i.e. LLM one year (two semester) including the examination in which he was held guilty i.e. Subject Victimology under Regulation 25 of the Panjab University Calender Volume (II), 2007.

2. Brief facts of the case are that the petitioner is a student of Master of Law Program (LLM). On 26.04.2024, a show cause notice (Annexure P-1) was issued to the petitioner on the accusation that he had put identification marks in the answer book, which was a violation of Regulation 25, appearing at pages 10-14 of the Panjab University Calender Volume (II), 2007 and accordingly, the petitioner was called to show cause as to why action should not be taken against him under the aforesaid Regulation. In the said show cause notice, it was further mentioned that the petitioner would be given a questionnaire to be replied by him on the spot and his answers to the questions or any other material submitted and relied

upon by him would be placed before the Unfair Means Committee of the University for action. Vide order dated 06.05.2024 (Annexure P-2) the petitioner was informed that the Committee members had unanimously decided to disqualify him from the examination concerned including the examination in which he was found guilty under Regulation 25 of the Panjab University Calender Volume (II), 2007. A perusal of the aforesaid order would show that it was reported by the evaluator that the petitioner had tried to give a symbol for identifying his answer-sheet and had written words/sentences, which were not relevant for the purpose of the examination and which was prohibited as per the instructions at point No.7, 8 of the answer-sheet. It was further stated that three words/sentences mentioned at various pages of the answer-sheet, were in violation of Regulation 25 of the Panjab University Calender Volume (II), 2007 and that after hearing the petitioner, the unfair means case against the petitioner was decided by the Unfair Means Committee as the Committee members were of the view that he had deliberately made the said marks, which were distinctive marks and further unanimously concluded that there was no ground for inadvertence existed in the same.

3. Learned counsel for the petitioner has challenged the impugned order on two grounds. First ground of challenge raised on behalf of the petitioner is that three words/phrases used by the petitioner in the answer sheet would not disclose his identity and thus, Regulation 25 would not stand violated. It is further submitted that the impugned order is a non-speaking order and thus, the same deserves to be set aside.

4. I have heard learned counsel for the petitioner and perused the paper book.

5. Regulation 25 of the Panjab University Calender Volume (ii), 2007, which as per the case of the respondent-University, has been violated by the petitioner, is reproduced as under:-

“25. A candidate found guilty of deliberately disclosing his identity or making any distinctive marks in his answer-book, for that purpose, shall be disqualified for the examination concerned, if he is a candidate for an examination held once a year and for two examinations, if he is a candidate for an examination held twice a year.”

6. A perusal of the above regulation would show that if any candidate is found guilty of deliberately disclosing his identity or making any distinctive marks in his answer book, for that purpose shall be disqualified for the period mentioned in the said Regulation. It is not in dispute that the petitioner had written the three words/phrases in his answer-sheet and the said words/phrases have been mentioned in the impugned order. It is also not disputed that three words/phrases were neither answers to any question nor were relevant to the paper. Members of the Standing Committee were of the unanimous view that the words/phrases used by the petitioner in the answer book were distinctive marks and his intention appears to be mala fide. It has also been noticed that there were specific instructions on the answer-sheet at points No.7 and 8 which also prohibited the students from writing any irrelevant material on the answer-sheet. Apparently, the above regulation No.25 has been incorporated with the purpose that the candidates do not write anything on the answer-sheet, which is distinctive and may indicate to an evaluator that the paper is of that particular candidate.

7. In the present case, this Court is of the opinion that the decision taken by the respondent-University vide the order dated 06.05.2024 is in

accordance with Regulation 25, which has been reproduced here-in-above and also reflects due application of mind and it cannot be said that the order is non-speaking and thus, the arguments raised on behalf of the petitioner are meritless and deserve to be rejected and are accordingly, rejected.

9. Thus, keeping in view the facts and circumstances of the present case, there is no merit in the instant writ petition. The same is dismissed.

16.05.2024
monika

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes