



217
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31882-2019 (O&M)
Date of decision: 17.09.2024

Maneet Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. T.S. Dhillon, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Vikrant Sharma, Advocate, for respondent No.2 to 4.

Mr. N.K. Manchanda, Advocate, for respondent No.5.

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 of letter/order dated 20.09.2019 (Annexure P-5), whereby the result of M.Ed. Degree of the petitioner has been cancelled.

2. Learned counsel appearing on behalf of the petitioner while giving brief facts of the case submitted that the petitioner was a student of the respondent-University and got enrolled as Ph.D. candidate in the subject of English in the year 2009. After doing her research work, she submitted her dissertation to the University on 01.09.2016. Thereafter, the supervisor and the



University fixed some dates for her Viva Voce which was initially on 23.05.2017 and was thereafter extended for some time and ultimately, the Viva Voce was held on 04.08.2017 i.e. after about 2 ½ months and thereafter, the Ph.D. Degree was also granted to the petitioner in the subject of English on 20.09.2017.

3. Learned counsel submitted that although the petitioner was already enrolled as a Ph.D. candidate and was pursuing her Ph.D. but at the same time, she also took admission in respondent No.5-College in September, 2016 wherein she applied for M.Ed. Course which is a two years course which was to be completed in the year 2018. He submitted that although the petitioner submitted her dissertation in the same month i.e. in September, 2016 to the respondent-University with respect to the aforesaid Ph.D. Course but at the time of her admission in M.Ed. she was not aware if there was any bar or embargo with regard to the aforesaid and even otherwise also since there was a delay in conducting of the Viva Voce, in order to build her career, she got admission in M.Ed. Course in respondent No.5-College. After getting admission in the respondent No.5-College, the petitioner was allotted a roll number by the University and thereafter, she had taken the examinations for both first year and second year regarding which the provisional result was also declared by the respondent-University but now vide impugned order (Annexure P-5) her aforesaid result was cancelled on the ground that the petitioner could not have pursued two major courses simultaneously which has been done in pursuance of the Ph.D. Ordinance for enrolment, registration and award of the Degree of Doctor of Philosophy in various faculties of Punjabi University, Patiala which has been annexed as Annexure P-6 with the present petition.



While referring to Ordinance No.13, he submitted that although it has been so provided that no candidate is allowed to appear in two major examinations of the University simultaneously but it has also been provided in the aforesaid Ordinance that when a student is enrolled in Ph.D. Degree, then a copy of the registration letter to be issued to the candidate will also be endorsed to the Registration Branch stating the registration number, if any, with which the candidate is already registered with the University and it will be the duty of the Registration Branch to guard against violation of this rule. He submitted that the respondent-University at the time of taking of admission in any course provides one registration number to each student and thereafter whatever course in future the student pursues, the registration number remains the same and it continues till the completion of studies of the aforesaid student in the aforesaid University. He submitted that in this way once the petitioner was already granted a registration number when she had got herself enrolled as a Ph.D. Student and even prior to that also she had done other courses as well and she was already in possession of one registration number which was a permanent registration number and therefore, when she applied for the M.Ed. Course to the respondent-College, then it was the duty of the Registration Branch of the University to have cross checked the same and to have not permitted the petitioner to take the examination but after taking the examination and declaring the provisional result now the M.Ed. result of the petitioner cannot be cancelled by the respondent-University. He also referred to a judgment of Hon'ble Supreme Court in *Shri Krishan Versus The Kurukshetra University, Kurukshetra, 1976(1) SCC 311* in this regard.



4. On the other hand, learned counsel appearing on behalf of the respondent-University while referring to the reply filed by the respondent-University submitted that it is a case where there is a mandatory provision in the aforesaid Ordinance No.13 of the University whereby it is clearly stated that no candidate is allowed to appear in two major examinations of the University simultaneously. He submitted that it is an admitted position on facts that the petitioner has pursued her two major examinations simultaneously for a period of two years i.e. for Ph.D. and M.Ed. from the same University which is not permitted under the aforesaid Ordinance. While again reiterating the factual position, he submitted that the petitioner had submitted her Ph.D. dissertation on 01.09.2016 and in the same month she got admission in M.Ed. in the respondent No.5-College which although is affiliated with the respondent-University but it is respondent No.5 who has sent the aforesaid examination form of the petitioner to the University. He submitted that thereafter when the petitioner took the examination for M.Ed. 1st Semester, then it has been so specifically intimated in the provisional result that there is an objection from the Registration Branch with regard to the eligibility of the petitioner which is so specifically incorporated even in the first provisional result of the petitioner of Ist semester of M.Ed. Course and the vernacular of the same has been appended with the present petition as Annexure P-3 and thereafter in the subsequent provisional result of 2nd semester of M.Ed. Course as well, the same has been incorporated. He submitted that in this way, it is not a case that the respondent-University has not raised an objection because once the petitioner applied for an examination and appeared in the examination, then at the time of the declaration of the result when it was found that the petitioner was not



eligible for the aforesaid examination because of the aforesaid specific express Ordinance, then the result was declared in a provisional manner but that would not mean that the petitioner is entitled for grant of the Degree, even if there has been a violation of the aforesaid Ordinance. He submitted that duty of the Registration Branch was performed by the officials of the University by putting up the aforesaid objection and by so specifically incorporating in the DMCs (Annexure P-3(Colly)) that the result is RLR i.e. result later on due to non confirmation of eligibility by the Registration Branch and it is also so specifically stated in the aforesaid provisional DMCs that the petitioner should clear the aforesaid objection within one week but the petitioner never cleared the same and in this way, the respondent-University has discharged its duties in accordance with the aforesaid Ordinance No.13 in this regard. He submitted that once there is a clear and direct violation of the Ordinance of the University, then petitioner cannot be granted Ph.D. and M.Ed. degree simultaneously and therefore, the University was well within its rights to have cancelled the aforesaid degree of the petitioner. He also submitted that the aforesaid DMCs which have been attached as Annexure P-3 (Colly) are only the provisional DMCs and no provisional degree has been granted to the petitioner and therefore it cannot be said that the respondent-University has granted any degree may be on provisional basis. He submitted that had it been a case that the petitioner was granted a degree of M.Ed. despite all these objections being raised, then may be the respondent-University could not have cancelled the result of the petitioner but it is a case where no degree of M.Ed. has been granted to the petitioner but the learned counsel for the petitioner has relied upon only the provisional DMCs in which specific objections have been raised



and therefore, the order (Annexure P-5) by which the M.Ed. result of the petitioner has been cancelled was within the rights of the University being violative of the Ordinance No.13 as aforesaid.

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

6. The issue involved in the present case is that when a student takes admission in a Ph.D course of the University and there is a specific provision in the Ordinance of the University that he cannot undertake any other course simultaneously and when a student takes admission in any other course simultaneously *de hors* the aforesaid Ordinance, then the mere fact that due to grant of provisional DMCs, whether the respondent-University can be estopped from cancelling the second course or not. Before proceeding further, Ordinance No.13 of Ph.D. Ordinance for the enrolment, registration and award of the Degree of Doctor of Philosophy in various faculties of Punjabi University, Patiala which has been annexed with the present petition as Annexure P-6 is reproduced as under:-

“13. REGISTRATION WITH THE UNIVERSITY

No candidate is allowed to appear in two major examinations of this University simultaneously or to get himself enrolled simultaneously in two Universities. Candidates are advised, in their own interest, to observe this rule strictly and not to appear in any other major examination till their result for Ph.D. degree is declared. A copy of the registration letter to be issued to the candidate will also be endorsed to the Registration Branch stating the registration number, if any, with which the candidate is already registered with this University. It will be the duty of the Registration Branch to guard against violation of this rule”.



7. A perusal of the aforesaid Ordinance would show that the Ordinance which undoubtedly has a force of law specifically provides in express terms that no candidate would be allowed to appear in two major examinations of the University simultaneously or even to get himself enrolled simultaneously in two Universities. In the aforesaid Ordinance an advise has been issued to the candidates by stating that the candidates are advised in their own interest to observe this rule strictly and not to appear in any other major examination till the result of the degree which they are pursuing is declared. It further provides that as an abundant caution a duty is cast upon the Registration Branch of the University to guard against violation of the rule.

8. In the facts and circumstances of the present case, it is an admitted position that the petitioner was already a student of Ph.D. Course and she submitted her dissertation on 01.09.2016 to the University and her Viva Voce was conducted on 04.08.2017. She was awarded Ph.D. Degree by the respondent-University on 20.09.2017. However, in the same month when she had submitted her Ph.D. dissertation i.e September, 2016, she got herself enrolled for the course of M.Ed. in the respondent No.5-College which is a private college. In this way, the petitioner simultaneously got herself enrolled for a different major examination. Undoubtedly Ph.D. and M.Ed. both are major examinations. However, after her admission in the aforesaid M.Ed. course, the respondent-College permitted her to get herself admitted and thereafter, the College sent examination form to the University and at that point of time, the University did not detect the mistake that the petitioner is already enrolled in the Ph.D. Course. However, at the time when her Ist semester result was to be declared it was declared provisionally with an



incorporated intimation which is annexed as Annexure P-3 that the result is RLR i.e. result later on due to non confirmation of eligibility by the Registration Branch and it is so specifically incorporated by the University in the aforesaid DMC that the eligibility of the petitioner from the Registration Branch is not clear and therefore, by way of incorporation of a separate note she was advised that the objection be removed within a period of one week. It is a case of the learned counsel for the respondent-University that the respondent-University has acted diligently in view of the aforesaid Ordinance and has pointed out and specifically incorporated in the provisional DMCs that the eligibility is not clear. However, it is a case of the counsel for the petitioner that even if non-eligibility of the petitioner was detected, she was still permitted to take the examination and she took the examinations for all the four semesters and her provisional result was declared and therefore, on the basis of the aforesaid taking of examinations of all the four semesters and clearing the same by scoring more than the pass percentage of all the four examinations now the University may be estopped from cancelling the result of the M.Ed. Course to which the petitioner had applied.

9. It is a settled law that so far as the Ordinances and statutes of the University which have been incorporated in the Calendar (Annexure R-1), the same have force of law. The aforesaid Ordinance which is relevant as reproduced above would show that a specific bar and embargo has been created that no candidate is allowed to appear in two major examinations simultaneously. In the aforesaid Ordinance a duty has also been cast upon the Registration Branch of the University in this regard. In the facts and circumstances of the present case since the petitioner got admission in M.Ed.



Course which is a major course simultaneously with Ph. D. course and more particularly she got admission in the same month in which she had submitted her dissertation, then it would amount to direct infringement of the aforesaid Ordinance No.13. The fact that the petitioner got admitted in two major examinations simultaneously is not in dispute. Therefore, by operation of the aforesaid provision so incorporated in the Ordinance No.13, the petitioner was not entitled to have got herself enrolled in M.Ed. Course simultaneously with that of the Ph.D. Course. On the other hand, a duty is also cast upon the Registration Branch to guard against the violation of the aforesaid rule. However, a perusal of the DMCs (Annexure P-3 (colly)) would show that in the very first semester of M.Ed., the University has incorporated a specific note in the nature of RLR i.e. result later on due to non confirmation of eligibility by the Registration Branch and a specific note is also incorporated that it should be cleared by the candidate within a period of one week. However, the petitioner did not clear any such objection and that is why in the provisional declaration of the result which is incorporated for the purpose of M.Ed. 2nd semester, a similar note is again incorporated which makes it clear that the petitioner did not clear the objection which was raised by the University. The same was the position for the 3rd and 4th semesters. In this way, in all the DMCs on which the learned counsel for the petitioner has relied, specific notes have been incorporated. Although it is not specifically provided in the aforesaid note as to what was the nature of the objection but as per the learned counsel for the respondent-University, the aforesaid objection was pertaining to the effect that she is already enrolled in some other major examination.



10. So far as the declaration of provisional result in the nature of DMC is concerned, it cannot be construed to be a degree nor it is the case of the learned counsel for the parties that the petitioner has ever been granted a degree of M.Ed. Only provisional results were declared in the nature of DMCs by incorporating a specific condition and therefore, the declaration of result was conditional in nature. Once it is shown and it is clear that the petitioner has violated and infringed a specific express condition of Ordinance which is mandatory in nature, then the mere fact that the University had provided the DMCs which are provisional in nature and also conditional in nature cannot create any right in favour of the petitioner in this regard. The argument which has been raised by the learned counsel for the petitioner that since the provisional results have been declared, then the University may be estopped from cancelling the result of the petitioner cannot sustain in view of the fact that there can be no estoppel against law or a statute.

11. So far as the judgment which has been relied upon by the learned counsel for the petitioner is concerned, a perusal of the same would show that it was a case where the petitioner of that case got admission in L.L.B Course for which the petitioner was to get sanction from the Government because the petitioner of that case was an employee and in that case the petitioner did not get admission after getting a sanction from the Government but pursued his studies and thereafter cleared the L.L.B examination. Hon'ble Supreme Court was of the view that in this way, there was an acquiescence by the University and even if such a condition by which the sanction was to be taken by the petitioner of that case from the Government where he was working, has outlived its legality as there was no condition attached at the time of the

admission. This Court is of the considered view that the aforesaid judgment is distinguishable from the present case on facts because in the present case the result of the petitioner was declared provisionally by incorporating a specific condition. Not only this, the petitioner has not been granted any degree, even as per the learned counsel for the parties and Annexure P-3 (colly) are only provisional DMCs issued with a specific condition and therefore, the aforesaid judgment is not applicable to the present case.

12. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present petition is devoid of any merit and the same is hereby dismissed.

17.09.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No