

2024.PHHC.158444-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

LPA-2907-2024 (O&M)
Decided on: 29.11.2024

Panjab University

.....Appellant(s)

Versus

Rohan Rana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I.MEHTA**

Present:- Mr.Akshay Kumar Goel, Advocate, for the appellant (s).

Mr.Vishal Gupta, Advocate, for respondent No.1.

G.S. Sandhawalia, J. (Oral) :

CM-7133-LPA-2024

Application for leave to appeal through Registrar of the University is allowed, in view of the averments made in the application, duly supported by affidavit of the official.

CM stands disposed of.

LPA-2907-2024 (O&M)

1. Consideration in the present appeal is to the judgment dated 17.09.2024 passed by the Learned Single Judge in CWP-13089-2024 titled *Rohan Rana Vs. Panjab University & others* whereby the writ petition filed by respondent No.1-writ petitioner was allowed and it had been directed to issue the DMC of the 6th semester Paper 6(c) of BA LLB, Land Law & Rent Laws by giving 54 marks to the student as actually obtained.

Apart from that, compensation of Rs.1 lakh had been directed to be paid by the appellant-University and also that responsibility be fixed by conducting an enquiry to recover the aforesaid cost from the official(s) concerned.

2. Counsel for the appellant has vehemently submitted that the writ petitioner had taken admission in the year 2016 in the 5 years Integrated Course of BA LLB in the University Institute of Legal Studies, Panjab University, Chandigarh and in normal course, he would have passed out in the year 2021 as the Course is of 10 semesters of 6 months each. Having failed in the said subject in 2019, he had appeared as a 're-appear candidate' in May, 2023. Keeping in view the fact that when he had got admission in the year 2016, the paper which was to be given by him was to have 60 marks as theory and 40 marks for internal assessment. It is submitted that the said ratio would, thus, be applicable for the whole course and therefore, the process of normalization of marks/scaling down, was justified when he had given the theory paper of 80 marks at the time of re-appear. It is, in such circumstances, the order passed by the Learned Single Judge has been assailed on the ground that a different set of rules have been made applicable to the students of the same batch, which was not permissible.

3. We are of the considered opinion that the principle which has been projected by the appellant-University does not suffer from any infirmity and would be a right principle but the Learned Single Judge has found that as a matter of fact, instead of supplying the writ petitioner a question paper of 60 marks, as per the rules, he was given a question paper of 80 marks and therefore, the Learned Single Judge came to the conclusion that the scaling down which had been done is without any

basis. Neither any rule or regulation had been cited that the paper would be of 80 marks and that it was open to the University to scale down the marks. It was, in such circumstances, the writ petition had been allowed.

4. A student who sits in a examination has to calculate as to what is the score which will make him pass to cross the threshold. The relevant portion of the question paper which was supplied to the writ petitioner had been reproduced by the Learned Single Judge which showed that instead of 60 marks, the question paper was of 80 marks. The same reads as under:

“B.A./B.Com. LL.B. (Hons.) 5 Year Integrated Course 8th
Semester (2053)

LAND LAW AND RENT LAWS (Same for B.Com.LL.B.)

Paper : V (c)

Time Allowed: Three Hours [Maximum Marks: 80]”

5. Apparently, the system of re-appear is with ‘odd and even semesters’ so that the students give their examination along with the corresponding examination being given by the other students of the University in a regular manner. The writ petitioner sat with the students of other batch who were given the same paper of 80:20 ratio and instead of specifically giving him a separate paper of 60:40 and he would be under the impression that the maximum marks is 80 and he has to secure the minimum 45% marks in order to pass. He would have calculated and attempted the question paper in a manner so as to cross the threshold on the basis of the fact that he had been supplied a question paper of 80 marks. The action of the University, thereafter, to scale down the marks from 54 to 40.5 led the writ petitioner failing to get the minimum 45% of marks out of 100 marks since he had not obtained any marks in the internal assessment and was declared fail.

6. Learned Single Judge is, thus, correct to hold that only on account of the past practice being followed, the University could not hold out and jeopardize the career of the writ petitioner. It is not disputed that on account of not being declared pass, he had to sit in another examination and also cleared the examination but in the next year i.e. 2024. Resultantly, he has lost out one year and his passing out will be considered in May, 2024 if the writ petition was not to be allowed. In such circumstances, to put him back in the same position, the Learned Single Judge had allowed the writ petition and also granted compensation of Rs.1,00,000/-.

7. The reasoning given by the Learned Single Judge is justified that in the absence of any provision of law, normalization/scaling down of the marks had been done and a wrong procedure being followed in the past would not give a right to the University to carry on with same. It is not the case of the University that writ petitioner was apprised of the situation that the process of scaling down could be done. It was the responsibility of the University to supply the question paper of 60 marks so that the writ petitioner/student can work out and attempt the questions accordingly to score 45% marks. By supplying a question paper of 80 marks, the writ petitioner had been put in confusion and therefore, we are of the considered opinion that the Learned Single Judge was very much justified that the civil rights of the writ petitioner had been jeopardized. Only on account of avoiding the workload of preparing two separate papers by the Institute, the writ petitioner/students could not be put to loss.

8. The reasoning given by the Learned Single Judge does not suffer from any infirmity, illegality or irregularity as the University is not supported by any regulation/rule on the basis of which the

normalization/scaling down of the marks had been done and the 45% of marks is to be calculated on the basis of the maximum marks provided in the question paper given to the writ petitioner/students.

9. Resultantly, in view of the above discussion, the present appeal is hereby dismissed.

10. Mr.Vishal Gupta, counsel appearing for respondent No.1 has been gracious enough to submit that the amount of cost, as directed to be paid by the Learned Single Judge, can be scaled down to Rs.50,000/-.

11. We order accordingly.

12. Application for producing additional evidence showing the result of respondent No.1 for the subsequent year is disposed of, having been rendered infructuous, keeping in view the findings recorded above.

(G.S. SANDHAWALIA)
JUDGE

29.11.2024
Sailesh

(MEENAKSHI I.MEHTA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :	Yes	