



113 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2074-2025

Date of Decision : 30-01-2025

GURSIMRAN SINGH

.....Petitioner

VERSUS

PANJAB UNIVERSITY AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aman Mittal, Advocate with
 Mr. Simranjit Singh, Advocate for the petitioner.

 Mr. Indresh Goel, Advocate for the respondent-University.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the prayer of the petitioner is that he has appeared in the 2nd semester examination but, the respondent failed him in certain papers of the examinations undertaken by the petitioner due to which he could not clear the required minimum of 50% examinations so as to be promoted to the 3rd semester and the petitioner applied for re-evaluation qua the examination where he was declared fail and in the re-evaluation, his result was revised and as per the revised result, he had cleared more than 50% of the examination undertaken which is the prayer of the petitioner that required to be promoted to the 3rd semester hence, the respondents be directed to promote the petitioner to 3rd semester and allow him to appear in the 3rd semester exams.

2. Learned counsel for the petitioner submits that now, the petitioner intends to appear in the 3rd semester exams but the respondents are withholding the candidature of the petitioner on the ground that the petitioner has not paid the fees of the 3rd semester as well as that the petitioner has not attended the minimum lectures required in the 3rd semester, which act on the part of the respondents is arbitrary.

3. Learned counsel for the petitioner submits that the petitioner has no objection in paying the fees for the 3rd semester and the same will be deposited within a period of 2 days in case, allowed by this Court.

4. Learned counsel for the respondent-University submits that once, the candidate has not attended the minimum lectures, he cannot be allowed to appear in the 3rd semester examination hence, even if the petitioner deposits the fees of the 3rd semester, his prayer for appearing in the 3rd semester examination may kindly be declined.

5. I have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. From the pleadings recorded hereinbefore, it is clear that the responsibility of non-clearing of the required 50% examination so as to be promoted to the 3rd semester rests upon the respondent-University only. Had the respondent-University evaluated the answersheets of the petitioner correctly at the initial stage itself, the petitioner would have cleared more than 50% of the examination papers so as to be promoted to the 3rd semester, which benefit has gone to the favour of the petitioner after re-evaluation of his answersheets.

7. Keeping in view the fact that the non-promotion of the petitioner to the 3rd semester is only due to an act on the part of the

respondent-University, no further prejudice can be caused to the petitioner so as to deny him for appearing in the 3rd semester examination, then he will loose a year without any fault of his.

8. Once, the respondent-University did not allowed the petitioner to be promoted to the 3rd semester and to attend the classes due to incorrect result, which has now been rectified, in case now the University is allowed to take the said objection even to deny the petitioner from appearing in 3rd semester examination will be putting premium on the illegal act on the part of the respondent-University. The petitioner cannot be caused any further prejudice. Though, the petitioner might not have studied in the 3rd semester classes but in case, he is capable of clearing the 3rd semester examination, a chance should be given to him and no practical study was required to be undertaken in 3rd semester and same is only academic.

9. The petitioner will deposit the fess for the 3rd semester within a period of two days from today and the petitioner will be allowed to appear in the 3rd semester examination along with other candidates of the 3rd semester going to be held shortly.

10. The present petition is accordingly allowed.

30-01-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO