

2026:PHHC:022360-DB



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

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LPA-669-2017

DATE OF DECISION: 12.02.2026

RACHIT OHRI

...APPELLANT

VS.

**GURU NANAK DEV UNIVERSITY, AMRITSAR
AND OTHERS**

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Rajeshwari Sharma, Advocate for the appellant.

Mr. G.B.S. Dhillon, Sr. Advocate with
Mr. J.S. Advocate, for the respondent-University.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present appeal the challenge is to the order dated 20.04.2017 passed by the learned Single Judge in CWP-8401 of 2016 whereby the petition of the appellant-Rachit Ohri was dismissed on the ground that the petitioner was unable to bring any witness to prove his innocence and could not shatter the veracity of the statement of the Centre Supervisor and the Centre Superintendent.

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2. Learned counsel for the appellant argues that though, the appellant was found possessing unfair means but it has already been brought on record that the material so recovered was not used, hence, the said fact should have been kept in mind while deciding the punishment, for the reason that different punishments are attributed to different circumstances which have been mentioned in Ordinance 11 and Ordinance 12. Learned counsel for the appellant argues that as per the Ordinance 12, in case any material is recovered from a candidate but the same has not been used, the candidate is debarred from the examination in question whereas, the situation in the present case is such that the result of the examination of 4th semester BSc. Economics as well as the 5th Semester of B Sc. Economics has been withheld by the respondent. Learned counsel submits that the result of the 4th Semester of B Sc. Economics held on 14.05.2015 can be cancelled but the result of the examination of rest of the subjects undertaken of 4th Semester as well as the 5th Semester should be declared so that, the appellant can appear in the examination of those subjects which are yet to be cleared so as to obtain B.Sc. Economics degree.

3. Learned counsel for the respondent submits that once the punishment has already been imposed upon the appellant which has been upheld even by the learned Single Judge, result of examinations of 4th Semester as matter 5th Semester of B Sc. Economics cannot be declared.



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4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The question raised before the learned Single Judge with regard to the Ordinance under which punishment has to be imposed has not been decided by the learned Single Judge despite noticing that the same arguments were advanced at the hands of the appellant. As per Ordinance 12, in case any incriminating material is recovered from a candidate during the examination, which is relevant for the purpose of the said examination but has not been used, the candidate concerned will be debarred from the passing of the said paper. The relevant para of Ordinance 12 reads as under:-

“If during a University examination, a candidate is found having in his possession or accessible to him papers, books or notes which could be of assistance to him in the examination but he has not made use of them, and if the committee is satisfied that these papers, books or notes, as the case may be, remained with the candidate out of inadvertence, he may as a disciplinary measure and without any implication of moral turpitude, be debarred from passing in that paper”.

6. Learned counsel for the respondent-University has not been able to dispute that as per the report of the committee constituted to consider the case of the appellant for using unfair means, it can be concluded that the material so recovered was used by him. That being so,

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the prayer of the appellant that only the punishment as envisaged under ordinance 12 is to be imposed, is reliable to be accepted.

7. Keeping in view the above, the respondents are directed to declare the result of the 4th Semester examination as well as 5th Semester Examination of B.Sc. Economics which the appellant has already undertaken, within a period of 8 weeks of the receipt of the copy of this order but the examination held on 14.05.2015 where the appellant was caught with incriminating material in his pocket, will be treated as cancelled qua him. After declaring the result of 4th and 5th Semester undertakes by the appellant whatever chances are available to the appellant to clear the examination for the subjects which he is yet to clear in order to get the degree, will be granted in accordance with provision of University Regulations.

8. The present appeal is disposed of accordingly.

9. Pending application(s), if any, shall also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 12, 2026
Poonam Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No