

2026:PHHC:074898



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

RSA-3268-2023 (O&M)
Date of Decision: 11.05.2026

Priyanka

...Appellant

VersusKurukshetra University and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rose Gupta, Advocate
Ms. Anita Kumari, Advocate and
Ms. Neha Anand Mahajan, Advocate
for the appellant.

VIKRAM AGGARWAL, J (Oral)

This is plaintiff's appeal against the judgment and decree dated 09.03.2023, passed by the Court of District Judge, Hisar, dismissing the appeal against the judgment and decree dated 31.08.2018 passed by the Court of Civil Judge (Junior Division), Hisar, vide which the suit filed by the plaintiff, was dismissed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The plaintiff filed a suit for permanent injunction directing the defendants to make necessary correction in the Second Semester Examination Certificate of Bachelor of Arts, issued by the defendants under Roll No.2302868 DMC

No.334422 and Registration No.12-GH-1644 in the name of the plaintiff, whereby the plaintiff had been wrongly shown to have secured 32 marks, whereas on the official website of the defendants, the marks secured by the plaintiff were shown to be 35. A sum of Rs.5 lakhs was also sought as damages on account of harassment, humiliation, delay and loss of career opportunities.

3.1 It was claimed that the plaintiff had taken admission in the course of Bachelor of Arts at Government Post Graduate College, Hisar. The said college was affiliated to defendant-Kurukshetra University, Kurukshetra. In the year 2013, the plaintiff appeared in the examination of the second semester, but issuance of the DMC was delayed. Subsequently, in 2015, the said DMC was issued and the plaintiff was shown to be having a 're-appear' in Hindi and English subjects. The plaintiff re-appeared in the examination of the said subjects.

3.2 It was the case of the plaintiff that on the official website of the defendant-University, the plaintiff was shown to have secured 35 marks in the subject of English. Despite repeated requests, the DMC was not issued by the defendant-University. It was asserted that on the basis of the aforesaid result, the plaintiff had appeared in the examination for the post of Stenographer in the Punjab and Haryana High Court, conducted on 06.08.2017.

3.3. It was averred that the DMC for the second semester, was issued on 11.08.2017, wherein the defendant was shown to have secured only 32 marks in the subject of English. Terming

the aforesaid action of defendants as a clerical mistake, it was claimed that as on the official website of the defendant-University, the plaintiff was shown to have secured 35 marks, the defendants were bound to correct their mistake and issue a DMC incorporating the said marks of 35 in it instead of 32.

4. The defendants contested the suit by filing a joint written statement taking preliminary objections regarding maintainability, cause of action, *locus-standi*, estoppel, jurisdiction and the plaintiff having concealed material facts from the Court.

4.1 On merits, it was asserted that the result shown on the official website of the defendant-University was only for the information purposes and the same could not be taken to be true and correct position of the actual result of the marks obtained by the students. It was further averred that the data uploaded on the official website is prone to clerical errors and the same cannot be treated to be the final result. It was further asserted that the DMC was issued on the basis of the actual marks obtained by the plaintiff.

4.2 It was averred that the plaintiff had appeared in the examination in May 2013 and the result thereof was declared on 05.12.2013 as 'RLA/RPR'. In August 2015, an application submitted by the plaintiff was forwarded to the defendants by the Principal of Government Post Graduate College at Hisar with the request to declare her result and internal assessment of Music subject (Instrumental). The result of the plaintiff was prepared on 03.09.2015, wherein she had got a 're-appear' in

the subjects of English and Hindi. It was further the case of the defendants that the plaintiff had also appeared in the re-appear examination in May, 2014, the result whereof was declared on 06.12.2014, wherein she had got a re-appear in Music (Instrumental).

4.3 It was further pleaded by the defendants that the plaintiff got a 're-appear' in English subject in lieu of Music for May, 2013. In May, 2013, she appeared in two papers and hence, she was eligible to obtain two passing grace marks and not three and, therefore, she could not be said to have passed the examination in the subject of English.

5. From the pleadings of the parties, the following issues were framed:-

- 1. Whether the plaintiff is entitled for relief of mandatory injunction directing the defendants to make necessary correction in the Bachelor of Arts Second Semester Examination Certificate as prayed for? OPP**
- 2. Whether the suit of the plaintiff is false, frivolous and vexatious?OPD**
- 3. Whether the suit is not maintainable in the present form?OPD**
- 4. Whether the plaintiff has no cause of action to file the present suit?OPD**
- 5. Whether the plaintiff is stopped from filing the present suit by his own act and**

conduct? OPD

- 6. Whether the plaintiff has not come in the court with clean hands and suppressed the material facts from the court?OPD**
- 7. Whether this court has no jurisdiction to entertain and try the present suit?OPD**
- 8. Relief.**

6. Parties led their respective evidence.

7. The trial Court, vide judgment and decree dated 31.08.2018, dismissed the suit filed by the plaintiff. The appeal against the said decision was also dismissed by the first Appellate Court vide judgment and decree dated 09.03.2023. Aggrieved by the same, the appellant-plaintiff has preferred the instant appeal.

8. I have heard learned counsel for the appellant.

9. Learned counsel appearing for the appellant argues that both Courts erroneously non-suited the plaintiff by holding that the suit was bad for non-joinder of necessary parties and that the Court at Hisar had no jurisdiction to try and entertain the said suit. It is further argued that it was never denied by the defendants that the Government Post Graduate College at Hisar was not affiliated to the defendant-University. It is, thus, argued that part of cause of action having accrued at Hisar, the suit could not have been dismissed on the ground of jurisdiction.

9.1 Learned counsel further argues that the only defence taken by the defendant was that the result shown on the website

was not the final one and that such data was prone to clerical errors. It is further argued that no evidence of any kind was led by the defendants to prove the said fact. It is also argued that on account of illegal action of the defendants, the plaintiff had lost bright career opportunities, but while passing the impugned judgments and decrees, both Courts lost sight of the said vital fact.

10. I have considered the submissions made by learned counsel for the appellant, but find the same to be devoid of merit.

11. As regards the scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of the Punjab Courts Act, 1918 and not under Section 100 CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of **Pankajakshi (Dead) through LRs and others V/s Chandrika and others, (2016)6 SCC 157**, followed by the judgments in the cases of **Kirodi (since deceased) through his LR V/s Ram Parkash and others, (2019) 11 SCC 317** and **Satender and others V/s Saroj and others, 2022(12) Scale 92**. Relying upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

12. There is no denying the fact that the plaintiff was a student of Bachelor of Arts at Government Post Graduate College, Hisar. Undisputed is the fact that the said College was affiliated to the defendant-University. The plaintiff admitted in

her testimony that the examinations were conducted by the said College and later on, the DMCs were issued by the defendant-University as per the data supplied by the aforesaid College. The plaintiff chose not to implead the aforesaid College as one of the defendants in the suit and thus, both Courts rightly recorded a finding that the said College was a necessary party to correctly disclose about the marks as well as the educational record of the plaintiff.

13. Still further, both Courts rightly recorded that the Court at Hisar had no jurisdiction to try and entertain the suit. Though, learned counsel for the plaintiff has argued that part of cause of action having accrued at Hisar, the suit was maintainable, yet it is not disputed that the Government Post Graduate College, Hisar was not impleaded as a party to the suit. The plaintiff had arrayed the defendant-University located at Kurukshetra only. Therefore, both Courts rightly recorded that the Court at Hisar had no jurisdiction to try and entertain the suit.

14. On merits, the marks in the DMC were rightly taken to be the actual marks as the marks shown on the website could have contained errors. The DMC is prepared on the basis of marks actually secured in the examination.

15. The concurrent findings of facts recorded by Courts below cannot be said to be suffering from any patent illegality warranting interference by this Court in the instant Regular Second Appeal. It could not be pointed out that any evidence has been misread or not taken into consideration.

16. For the reasons aforementioned, I do not find any merit in the present appeal and the same is, accordingly, dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

11.05.2026
ds

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No