

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

**114**

**CWP-36541-2025**

**Date of Decision : January 13, 2026**

**GUNJAN JAISWAL**

**-PETITIONER**

**V/S**

**THE VICE CHANCELLOR, PANJAB UNIVERSITY AND OTHERS**

**-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Ms. Anjali Khosla, Advocate  
for the petitioner.

Mr. Pranav Chadha, Advocate  
for the respondents No.1 to 3.

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**KULDEEP TIWARI, J. (ORAL)**

1. Through instituting the present writ petition, the petitioner seeks twofold relief: first, quashing of the order dated 28.10.2025 (Annexure P-4), whereby the petitioner's request for declaration of her 3<sup>rd</sup> and 4<sup>th</sup> semester M.Sc. (Microbial Biotechnology) examination results was rejected; and second, issuance of a direction to the respondent(s) to declare the petitioner's results for the said semesters.

2. The undisputed facts of the present case are that the petitioner was enrolled as a student of M.Sc. (Microbial Biotechnology) for the academic session 2016-2018 at the respondent No.4- College. She appeared in the 1<sup>st</sup> semester examinations in December 2016 and the 2<sup>nd</sup> semester examinations in May 2017. Thereafter, owing to personal reasons, she discontinued the course and did not appear in the 3<sup>rd</sup> semester examinations conducted in December 2017. After a hiatus of approximately three years,

the petitioner approached the respondent No.4-College seeking to resume her M.Sc. course. She was permitted to take re-admission in the 3<sup>rd</sup> semester, pursuant to which she deposited the requisite fee and was issued a Roll Number/Admit Card. Accordingly, she appeared in the 3<sup>rd</sup> semester examinations held in February 2021. However, her result was withheld by the University. Subsequently, the petitioner also appeared in the 4<sup>th</sup> semester examinations after depositing the requisite fee and being issued a Roll Number/Admit Card, but the result thereof was likewise withheld. It is noteworthy that the petitioner remained silent for nearly three years thereafter and, only on 29.09.2025, issued a legal notice seeking declaration of her results. In response, the University passed the impugned order declaring the petitioner ineligible and cancelling her candidature in terms of Regulation 11 of the Panjab University Calendar, Volume-II, 2007 (hereinafter referred to as the “University Calendar”), which mandates that a student cannot spend more than a maximum period of three years in M.Sc. classes.

3. Learned counsel for the petitioner contends that once the petitioner was granted re-admission to the 3<sup>rd</sup> and 4<sup>th</sup> semesters, issued Roll Numbers/Admit Cards, and permitted to appear in the examinations, the University is estopped from subsequently declaring her ineligible and refusing to declare her results by cancelling her candidature. She also places reliance upon the judgment of the Hon’ble Supreme Court in “*Sanatan Gauda v. Berhampur University and Others*”, 1990(2) SCR 273, to argue that the principle of estoppel applies, and that the University cannot withhold or refuse to publish the results of a student who was admitted, allowed to pursue the course, and permitted to appear in the examinations.

4. *Per contra*, learned counsel appearing for the respondent Nos.1 to 3-University submits that there is a clear violation of Regulation 11 of the University Calendar, inasmuch as the petitioner admittedly took a break of nearly three years after appearing in the 2<sup>nd</sup> semester examinations. Consequently, the University was fully justified in withholding the results of the 3<sup>rd</sup> and 4<sup>th</sup> semester examinations on the ground of ineligibility. It is further contended that Regulation 5.2 of the University Calendar specifically empowers the Controller of Examinations to cancel the candidature of a candidate who is found ineligible even after issuance of a Roll Number or appearance in the examination

5. This Court specifically queried learned counsel for the petitioner as to the statutory provision under which the petitioner could be deemed eligible to continue her M.Sc. course after an undisputed break of approximately three years. Learned counsel was unable to point out any provision in the University Calendar permitting continuation of the course beyond the prescribed maximum period of three years.

6. The reliance placed by learned counsel for the petitioner on the judgment in *Sanatan Gauda's case (supra)* is also misplaced, as the factual matrix therein is entirely distinguishable from the present case.

7. The Hon'ble Supreme Court in "*Mahatma Gandhi University and Another v. Gis Jose and Others*", 2008(4) S.C.T. 267, has unequivocally held that misplaced sympathy should not be shown in clear violation of statutory rules. In the said case, although the Division Bench of the Kerala High Court directed declaration of the withheld result on humanitarian considerations, the Hon'ble Supreme Court set aside the said direction, observing that such sympathy was impermissible where the action

was in total breach of the governing rules. The relevant observations of the Hon'ble Supreme Court are reproduced hereunder:-

*“2. It is once again, a judgment has come from the High Court in complete derogation of the observations of this Court against the compromising of the educational standards in the matter of admissions to a particular course by showing unnecessary sympathies. The Mahatma Gandhi University has come up against the judgment of the Division Bench of Kerala High Court whereby the Division Bench allowing the appeal of a student, has directed the University to declare the withheld result of the student. The direction though was, of course, without creating precedence, as a special case.*

*7. It was contended by Shri B.V. Deepak, learned counsel appearing for the student that the Vice Chancellor had allowed her to continue with the course. However, there is nothing on record to support this fact. Further, such permission was clearly incorrect if at all given. In the subsequent meeting of the Academic Council, the student was not permitted to continue with the course. All these factors were completely ignored by the Division Bench in the impugned judgment . Therefore, at least after the Academic Council had rejected the student's request, she could not have been allowed to continue. This did not happen and the college allowed her to take the further examinations for III and IV semesters also. We totally disapprove of all this.*

*8. Learned counsel for the student relied on a judgment of this Court in the case of Selin Mary Mammen vs. Mahatma Gandhi University & Ors. [Civil Appeal No.689 of 2004 delivered on 3.2.2004], a judgment delivered by Lahoti, J. Apart from the fact that the factual position is different in that case, there were no timely notices given regarding the irregular admission to the student as in the present case.*

*9. The misplaced sympathies should not have been shown in total breach of the Rules. In our opinion, that is precisely what has happened. Such a course was disapproved by this Court in Regional Officer, CBSE vs. Ku. Sheena Peethambaran and Others [(2003) 7 SCC 719]. In paragraph 6 of the Judgment, this Court observed as*

follows :

*“6. This Court has on several occasions earlier deprecated the practice of permitting the students to pursue their studies and to appear in the examination under the interim orders passed in the petitions. In most of such cases, it is ultimately pleaded that since the course was over or the result had been declared, the matter deserves to be considered sympathetically. It results in very awkward and difficult situations. Rules stare straight into the face of the plea of sympathy and concessions, against the legal provisions.....”.*

*10. In the present case, the college where the student was admitted, in breach of all possible rules allowed her not only to complete the course but also to write the examination which was totally illegal.*

*11. We, therefore, allow this appeal and set aside the judgment of the Division Bench and restore the judgment of the Single Bench dismissing the Writ Petition.”*

8. A Co-ordinate Bench of this Court has adopted a similar approach in **“Shilpi v. The Guru Nanak Dev University, Amritsar and Another”, 2013(1) SLR 567**, holding that the issue of eligibility goes to the root of the matter and may dislodge the petitioner. The relevant extract of the judgment is reproduced hereunder:

*“10. Reference can be made to the case of Mahatma Gandhi University & Anr. v. Gis Jose & Ors. 2008(4) S.C.T. 267: 2008(5) R.A.J. 566: 2009 (1) RSJ 438 referred to by the counsel for the University. This was a case, where the result was withhold after granting admission after the examination. The admission was found to be in violation of admission rules framed by the University. The respondent, in this case, lacked basic qualification for admission to the course by the University regulation. It was the Principal of College, who had allowed the respondent to continue to studies and to write the examination. Finding this to be totally illegal, Hon'ble Supreme Court held that sympathies should not have been shown in total breach of rules. The order passed for declaring the result of*

*respondent was, accordingly, set aside.*

*11. In view of what has been noticed above, in my view, no case is made out to show any misplaced sympathy to the petitioner. The petitioner being ineligible would have no right to seek declaration of result or to seek quashing of order cancelling her candidature as ordered by the University. There is no arbitrariness or illegality seen in the order.”*

9. In view of the judicial pronouncements (*supra*), and in the absence of any provision in the University Calendar establishing the petitioner’s eligibility, this Court is of the considered opinion that the petitioner was not eligible for re-admission or for appearing in the 3<sup>rd</sup> and 4<sup>th</sup> semester examinations of the M.Sc. course beyond the stipulated maximum period of three years.

10. In summa, this Court finds no illegality or infirmity in the impugned order. The writ petition is, therefore, **dismissed**.

January 13, 2026  
devinder

(KULDEEP TIWARI)  
JUDGE

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