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

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Date of Decision :18.02.2025

Ankit**...Petitioner****Versus****Panjab University, Chandigarh and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Yagyadeep, Advocate & Mr. Davinder Singh, Advocate
for the petitioner.

Mr. Akshay Kumar Goel, Advocate for respondent-University.

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Harsimran Singh Sethi, J. (Oral)

1. In the present writ petition, the grievance being raised by the petitioner is that initially the petitioner was not promoted to the 3rd semester of his B.A L.L.B degree on the ground that the petitioner has not passed 50% of the examination undertaken qua 1st and 2nd semester and as he could pass only 3 subjects in these semesters respectively and only on this basis, the petitioner was not promoted by the respondent-University but during the process of re-evaluation undertaken by the petitioner for the subjects petitioner failed in, the petitioner eventually cleared more than 50% of the examination by passing 2 more subjects, which makes a total of 07 subjects passed out of 12 which is the required criteria of passing 50% examination needed to be promoted to the 3rd semester and now even though the required



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criteria has been fulfilled, still, the petitioner is not being allowed to sit in the 3rd semester so as to undertake the examination, which is arbitrary and illegal and moreover the counsel further submits that the present claim of the petitioner is covered by the judgment of this Court passed in ***CWP No.2074 of 2025 titled as Gursimran Singh vs. Panjab University and others, decided on 30.01.2025.***

2. Notice of motion.

3. On the asking of the Court, Mr. Akshay Kumar Goel, Advocate, who is present in the Court, accepts notice on behalf of the respondents.

4. Learned counsel for the respondent-University, on one hand, does not dispute the fact that keeping in view the judgment passed in ***Gursimran Singh's case (supra)***, the petitioner is entitled to be promoted to the 3rd semester but on the other hand, parallelly submits that as the academic classes of 3rd semester are nearing end, the petitioner will not be able to fulfill the attendance which is required to appear in the 3rd semester examination hence, no relief be granted to the petitioner.

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

6. Once the petitioner was not promoted to the 3rd semester only because of the result declared by the respondent-University wherein, the petitioner had failed in more than 50% of the examination undertaken, which result was later revised upon adopting the procedure of re-evaluation of two of the subjects by the petitioner and the petitioner cleared more than 50% of the examination upon re-evaluation of the said subjects of the 1st and 2nd semester examination, thus, non-promotion of the petitioner to the 3rd



semester was only attributable to the University and not to the student concerned. Once after the said process of re-evaluation was adopted, thus the petitioner by way of it is entitled to be promoted to the 3rd semester, the

University should do so immediately without causing any prejudice to the student and without causing any further delay.

7. Further, as for the argument put-forth by counsel for the respondent-University that even though the student has cleared the 50% examination required to be promoted to next semester, yet he is not eligible for the same owing to the fact that he will not be able to fulfill the attendance criteria and learned counsel for the respondents submits that the 3rd semester is already over and the study of 4th semester is going on as of now and the 3rd semester examination has already been conducted.

8. Keeping in view the said assertion, this Court is of the view that as the petitioner was not promoted to the 3rd semester wholly due to the fault of respondent-University, it shall be the endeavor of the respondent-University that no further action of the respondent-University should cause prejudice to the petitioner henceforth, hence, the petitioner shall be given admission in the 4th semester examination forthwith with the liberty to appear in both the 3rd and 4th semester examination as and when conducted henceforth and also in the remaining examinations of the 1st and 2nd semester which petitioner could not pass. In case, the petitioner achieve the required grade to be promoted to the 5th semester thereafter, then appropriate action be taken.

10. At the cost of repetition, it is directed that the petitioner shall be

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allowed to appear in the 3rd semester examination which are to be conducted by the University henceforth without any restriction. With regard to the 4th semester, the petitioner shall be given admission forthwith and will be allowed to appear in the examination of 4th semester along with the other candidates of the 4th semester who are undergoing the academic classes as of now. Qua the examination of 1st and 2nd semester, the petitioner shall be allowed to appear in those examination which are yet to be cleared by him as per the Rules and regulations governing the University.

11. The present writ petition is disposed of in above terms.

February 18, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No