

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 4779 of 2025

Decided on 22nd May 2025

Sh. Mohit Shukla

...Petitioner

Versus

Himachal Pradesh University and another

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting? Yes

For the petitioner: Mr. Hamender Singh Chandel, Advocate.

For the respondents: Mr. Devender K. Sharma, Advocate.

Ajay Mohan Goel, Judge (*Oral*)

By way of this writ petition, the petitioner has, *inter alia*,
prayed for the following reliefs:

"i) *That impugned order dated 23.02.2024, Annexure P-8 may be ordered to be quashed and set aside.*

ii) *That the acts of omission and commission on the part of the respondent in not placing the case of the petitioner before the Executive Council in view of the representation dated 18.10.2024 and 10.12.2024 may be held illegal*

iii) *That the petitioner may be held entitled for grant of special chance by the University for completion of MBA Course in view of the special chance granted to other course as per Annexure P-9 (Colly)."*

2. The case of the petitioner is that after completion of B-Tech in Civil Engineering, he was appointed as an Executive

Trainee Civil in Satluj Jal Vidyut Nigam Limited in the year 2013. Thereafter, in the year 2015-16, he took admission in MBA in the Department of ICDEOI, Himachal Pradesh University. The MBA course, comprises of 4th Semester is to be completed within a period of two years. The petitioner passed three Semesters of the MBA course. The 3rd Semester was passed by him on 21.04.2017. The 4th Semester examination was held in the month of June 2017. In the interregnum, the petitioner was preparing for Himachal Pradesh Administrative Services Examination as he had responded to an advertisement dated 01.01.2017, seeking applications from eligible candidate. As the petitioner was preparing for his HAS examination, he did not appear in the 4th Semester MBA examination conducted in the month of June, 2017. He appeared in the preliminary examination held on 25.06.2017, but was unsuccessful. Thereafter, he again appeared in the HAS preliminary examination in the year 2018, but was again unsuccessful. He passed HAS preliminary examination in the 3rd attempt in the examination held in the month of May, 2019. Thereafter, he appeared in the main examination also successfully and after the petitioner was successful in the vivo voce also, his name was recommended by H.P. Public Service Commission on 26.11.2019 for appointment as an Excise and Taxation Officer-cum-Assistant Commissioner of State Taxes and

Excise. As per the petitioner, he was appointed as an HAS Officer and he joined as such on 23.01.2020.

3. To cut the controversy short, the petitioner has approached this Court by way of this writ petition assailing Annexure P-8, in terms whereof, his request for relaxation/extension in time period for completing MBA course stands rejected by the University. A perusal of Annexure P-8, dated 23.04.2024 demonstrates that after the petitioner has approached the respondents-University to allow him to complete his 4th Semester examination, his prayer has been rejected on the ground that there is no provision to grant special chance for degree completion in MBA course after the prescribed period of 6 years as per ordinance 10.33 of the First Ordinance of the H.P. University.

4. Learned counsel for the petitioner submitted that the respondent-University is discriminating between the petitioner and other similarly situated persons, who have been given golden chances etc., in terms of notification, collectively appended with the petition as Annexure P-9. Learned counsel also referred to CMP No.9749 of 2025, which is disposed of by taking on record the documents appended therewith and submitted that in terms of notification dated 07.06.2023, special chance was given beyond the period prescribed for completion of the course to the students of

post-graduation classes also. Accordingly, he submitted that as the rejection of the case of the petitioner is bad, the respondents be directed to give a special chance to the petitioner to complete his MBA Course.

5. On the other hand, learned counsel for the respondent-University, by referring to the reply filed by the respondents-University submitted that in terms of Ordinance 10.33, the petitioner had to complete the MBA course within a period of 6 years as from the date of his admission. He neither cared to appear in the 4th Semester examination when it was scheduled in the month of June 2017, nor he cared to appear in the said examination within the extended period. Learned counsel submitted that the plea of the petitioner qua appearing in the HAS examination has no relevance whatsoever, because, Ordinance 10.33 is very clear as to within what period the MBA course, which is a professional course, has to be completed. Accordingly, he submits that as the request of the petitioner has been rightly rejected and as there is no illegality in the conduct of the University, the petition be dismissed.

6. I have heard learned counsel for the parties and have also carefully gone through the pleadings as well as the documents appended therewith.

7. The moot issue before the Court is as to whether the act of the respondents-University of not granting another chance to the petitioner to complete his MBA course is justified in law or not. It is not in dispute that as per Ordinance 10.33 of the First Ordinance of the Himachal Pradesh University, 1973, the MBA course is to be completed in 6 years including the time allowed for late college students. If a candidate fails to complete his MBA within the said period of six years, he ceases to be a candidate of the course concerned. Admittedly, in the present case, the petitioner failed to complete his MBA course within a period of six years. That being the case, he ceased to be a candidate of the subject concerned after the cessation of the period of six years. The contention of the learned counsel that because relaxation was granted in other courses, therefore, the same be extended to the petitioner has no merit in the considered view of this Court. A perusal of the documents appended with the petition as well as miscellaneous application demonstrates that University gave special chances to certain candidates to complete their under graduation and post-graduation classes, but such special chance was not given to complete a professional course like MBA. Otherwise also, this Court has its reservation as to whether the University otherwise could have had granted any such special chance after the period in the ordinance for completing the

course was 6 years. In fact, a perusal of the Himachal University Act, as well as the Ordinances demonstrates that there is no such plenary power vested in the University to grant any such relaxation. Learned counsel for the respondents-University submits that the observations of the Court shall be brought to the notice of the University to ensure that no act is committed by the University which is beyond its empowerment under the Statute or the Ordinance.

8. Be that as it may, in the light of the fact that MBA course happens to be a professional course and the petitioner did not complete the said course within the prescribed period of six years, no indulgence, as prayed for, can be granted to him nor this Court finds any infirmity in the order impugned. The petitioner himself chose not appear in the MBA 4th Semester examination, as he intended to prepare for Himachal Pradesh Administrative Services Examination. That was his personal choice. It is not as if someone who is preparing for HAS examination or any other competent examination is barred during the period of preparation to participate in any other examination. Otherwise also, if such kind of plea, as the petitioner is making, is accepted by the Court, then, it the Court be flooded with litigations by all such candidates, who have not been able to complete their courses within the period prescribed in the Ordinance concerned.

9. In the light of above discussion as this Court finds no merit in the petition, the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

May 22, 2025
(*Vinod*)