

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.120

CWP-3496-2020 (O&M)

Date of decision : 10.2.2020

Deepika

..... Petitioner

VERSUS

Kurukshetra University and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Dhull, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is a Judicial Officer, presently, serving as Metropolitan Magistrate-cum-Civil Judge, Delhi. She has joined the L.L.M Programme through correspondence as she could not complete the regular L.L.M Programme from the Maharishi Dayanand University, Rohtak on account of her appointment as a Judicial Officer. She took the L.L.M second year examination in May/June, 2018, but failed in the subject of Insurance Law as well as the subject of Law of Banking and Negotiable Instruments. On re-evaluation, she passed the subject of Law of Banking and Negotiable Instruments, but could not pass the subject of Insurance Law. In May 2019, she re-appeared in the said paper, but failed again. Re-evaluation has also not helped.

Learned counsel for the petitioner submits that the petitioner is a meritorious student and has secured 72 marks out of 100 in the same subject in her L.L.B examination. The paper in the L.L.M examination was quite simple and thus, the petitioner could not fail. There is a racket going on in respondent-University. Students are being failed so that the University can earn money by charging for re-evaluation.

The fact that the petitioner was a meritorious student in L.L.B does not mean that her performance cannot fall. Admitted, she is currently working as a Judicial Officer and thus, she may not have been able to devote adequate time to her studies. The writ Court cannot examine whether the paper was simple or difficult nor can it opine on the conduct of examiners unless material is placed on record to substantiate the allegations. There is nothing on record to indicate any mala fides. The grievance is based upon apprehensions and thus, cannot be accepted.

In case, the petitioner has evidence to show that a racket is in operation in the respondent-University, she is at liberty to highlight the same through any other appropriate proceedings. In the present writ petition, there is no material on record from which it can be inferred that students are being failed for the purpose of earning money.

The writ petition has no merit and is accordingly dismissed.

सत्यमेव जयते

(SUDHIR MITTAL)
JUDGE

10.2.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No