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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH


Date of Decision: 05.11.2024



....Petitioner(s)

Versus

Panjab University and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohit Jaggi, Advocate, for the petitioner.

Mr. Subhash Ahuja, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the order/letter dated 01.04.2024 (Annexure P-3) passed by respondent No.3 whereby the petitioner has been disqualified from appearing in any University examination for two years, with a further prayer to quash the impugned order dated 17.05.2024 (Annexure P-5) vide which the University has passed the same order and awarded the same punishment to the petitioner as awarded by it in the earlier order dated 01.04.2024 (Annexure P-3).

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was a student of B.A. LL.B. of respondent-University and when he was taking first semester examination which was held in the month of



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December, 2023, a UMC case was made against him pertaining to the paper of Law of Contract and in pursuance thereof, vide Annexure P-2 dated 27.02.2024 a show-cause notice was issued to him and with regard to the same, he replied to the University and also appeared before the Committee and thereafter vide Annexure P-3, it was decided that since the petitioner has been caught by the team alongwith objectionable material recovered from him in his own handwriting and the same were copied at page 16 and 17 of the answer book, a punishment was imposed upon the petitioner whereby he was disqualified from appearing in any University examination for two years (Four exams) including that in which he was found guilty in terms of Regulations 5(a) and 8 of the University Calendar Volume II, 2007. He submitted that thereafter the petitioner filed a review application before the Vice-Chancellor of the University but the same was also dismissed vide Annexure P-5.

3. Learned counsel has submitted that the petitioner would press this petition on the ground of proportionality. He submitted that two years is long time regarding his disqualification because his career will be affected and if some directions are issued for reduction of the aforesaid punishment, then his career will be saved.

4. On the other hand, learned counsel appearing on behalf of the respondent-University while referring to the Regulations 5(a) and 8 of the University Calendar Volume II, 2007 which have been reproduced in para No.6 of the writ petition submitted that as per the aforesaid Regulations, the punishment for using unfair means has been provided that if during University examination, incriminating material is found in the possession of a student then



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there has to be disqualification from appearing in any University examination for two years including that in which he is found guilty. He submitted that the petitioner does not deserve any sympathy because he was caught red-handed by the invigilator alongwith notes in his own handwriting which he copied at page No.16 and 17 of answer book which is clear from a perusal of the answer book which he has brought in the Court as well. He submitted that the argument raised by the learned counsel for the petitioner that his punishment should be reduced is not tenable not only in view of the aforesaid Regulations but also in view of the fact that he being a student of LL.B. and also found red handed by the invigilator, his punishment should not be reduced because he would be a future lawyer and the legal profession is governed by ethics as well.

5. I have heard the learned counsels for the parties.

6. The only issue involved in the present case is as to whether the punishment awarded to the petitioner should be reduced or not. Regulations 5(a) and 8 of Panjab University Calendar Volume II are reproduced as under:-

“CHAPTER II

PUNISHMENT FOR USE OF UNFAIR MEANS

If during a University examination, a candidate is found in malafide possession of any material such as :

(a) Paper, books or notes; or

(b) Written notes of any part of the clothes worn by the candidate or on any part of his body, or table or desk; or

(c) Foot-rule and/or instruments like set-squares, protractors, slide rules etc., with notes written on them;



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which is relevant to the subject of the examination, he shall be disqualified from appearing in any University examination for two years, including that in which he is found guilty, if he is a candidate for an examination held once a year, or for four examinations, including that in which he is found guilty, if he is a candidate for an examination held twice a year.

REGULATION 8

8. If during a University examination a candidate is found having copied or indulging in copying from any paper, book or notes or if he has allowed or is found allowing any other candidate to copy any matter from his answer book or to have in any manner rendered any assistance to another candidate is solving a question or a part of question set in the question paper or if he is found to have been rendered assistance in solving a question or a part of question set in the question paper, he shall be disqualified for a period of two years, including that in which he is found guilty if he is a candidate for an examination held once a year, or for four examinations, including that in which he is found guilty, if he is a candidate for an examination held twice a year.”

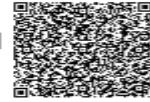
7. As per the aforesaid Regulations, the punishment provided is two years of disqualification when a student is caught in *mala fide* possession of any of the aforementioned material. In the present case, the petitioner while appearing in first semester in the subject of Law of Contract was found with handwritten notes which were in his own handwriting and the same were occupied at page No.16 and 17 of answer book. The argument raised by the learned counsel for the petitioner that the punishment is disproportionate cannot



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be sustained for two reasons. Firstly, the Regulations which have been reproduced provide for two years of disqualification and there is no reason for this Court to give any punishment which is lesser than the same and substituting the same with the aforesaid regulations. Secondly, the petitioner is a student of LL.B. and he would be a future lawyer. The legal profession is a noble profession and is governed by legal ethics. This Court therefore does not deem it fit and proper to grant indulgence in its exercise of power under Article 226 of the Constitution of India.

8. Consequently, the present petition is dismissed.

05.11.2024

(JASGURPREET SINGH PURI)

*rakesh***JUDGE**

Whether speaking	Yes/No
Whether reportable	Yes/No