of the notification to that effect in respect of schemes, awards etc. made during the period 11th May, 1951 to 26th June, 1962. By the legislative enactment of 1963 the entire area within the walled city of Amritsar has to be deemed to be damaged area. Moreover, notwithstanding pre-existing infirmity in the said scheme and the notification, the Legislature has now provided in section 2 of the 1963 Act that the schemes framed and sanctioned or deemed to have been framed or sanctioned shall be deemed always to have been valid. In this view of the matter the attack on the validity of the schemes based on the want of the requisite notification under section 2(d) of the 1951 Act can no more be sustained. Mr. Gujral then struck at a further ingenious argument. He states that the effect of the validating Act on the cases of the petitioners is that they have been deprived of their right to raise statutory objections against the scheme inasmuch as the scheme when originally published was invalid and no objections can now be allowed to be filed after the scheme has for the first time become valid on March 29, 1963, after the passing of the amending Act. This point has neither been taken nor could possibly have been taken in the writ petition as the amending Act came into force during the pendency of the case. Nor is it shown that the petitioners filed any objections against the scheme after the passing of the validating Act and that the authorities had declined to take the objections into consideration. Even otherwise I am inclined to think that a deeming provision has to be taken to its logical extent and the effect of the deeming provision contained in section 2 of 1963 Act is that the property in question is deemed to have been situated in a validly declared damaged area on the 1st February, 1958. That being so, this contention of the learned counsel for the petitioners also fails.

No other point has been argued before me in this case. Both these writ petitions, therefore, fail and are dismissed. In view, however, of the fact that the strongest point in these writ petitions has been rendered infructuous on account of a subsequent legislation, the parties are left to bear their own costs.

K.S.K.

CIVIL MISCELLANEOUS

Before Shamsher Bahadur, J.

KAWAL NAIN SINGH,—*Petitioner.*

versus

THE PANJAB UNIVERSITY,—*Respondent.*

Civil Writ No. 2467 of 1966.

March 14, 1967.

Panjab University Calendar (1966) *Vol. I—Regulations concerning use of unfair means in examinations—Regulation* 21—*Difference of opinion amongst*

the members of Standing Committee—Reference to Vice-Chancellor—Duty of Vice-Chancellor on such reference—Acceptance of majority view—Whether sufficient compliance—Opportunity to candidate—Whether must be afforded by Vice-Chancellor before making decision.

Held, that if the opinion of the Standing Committee is not unanimous, the matter has to be referred to the Vice-Chancellor for decision. It is not a compliance of the rule for the Vice-Chancellor to say that he agrees with the majority opinion. The matter, after the difference of opinion has been recorded in writing, is re-opened and the separate notes of the members themselves constitute material on which the Vice-Chancellor in giving his decision has to make up his mind. It is not as if the Vice-Chancellor was dismissing an appeal which was preferred to him against an unanimous decision. The Vice-Chancellor, when a difference of opinion is recorded, has to view the matter independently in a quasi-judicial manner and on reading the note of the Assistant Registrar he cannot be said to reach that decision by merely saying that he agrees with the majority decision. He has to give a consideration and a judicial consideration to the views which have been expressed by the members of the Standing Committee.

Held, that even if fullest opportunity is given to the candidate before the matter is placed for decision of the Standing Committee, it is necessary for the Vice-Chancellor, before reaching a decision, to call upon the candidate to make his submissions on the opinions of the members of the Standing Committee which constitute fresh material which the candidate is entitled to be apprised of.

Petition under Articles 226 *and* 227 *of the Constitution of India praying that a writ of* certiorari, Mandamus *or any other appropriate writ, order or direction be issued quashing the order of the respondent by which the petitioner has been disqualified for a period of four years* 1966, 1967, 1968 *and* 1969.

RAJINDER SACHAR, ADVOCATE, for the Petitioner.

NARINDER SINGH AND R. S. MONGIA, ADVOCATES, for the Respondent.

ORDER

SHAMSHER BAHADUR, J.—The petitioner Kawal Nain Singh, an examinee in the Higher Secondary Part II Examination held in March, 1966, having been disqualified by an order of the Panjab University of 14th October, 1966 (Annexure A-1), for the years 1966, 1967, 1968 and 1969, has invoked the jurisdiction of this Court to have it quashed.

The examination in History Paper 'C' was held on 14th March, 1966, and it was in this paper that it was suspected that the petitioner had smuggled some material embodied in continuation sheets in the examination hall. The petitioner was summoned to appear before a functionary of the Panjab University on 18th August, 1966, and a detailed questionnaire was handed over to him. It cannot be denied that this questionnaire fairly put the case which the University had against him. Before any action was taken the petitioner was also afforded an opportunity of perusing the reports which had been submitted by the Head Examiner and other experts in this connection. The petitioner did not ask for any further material at the time when the questionnaire was handed over to him. The matter, according to regulations, was put to the standing committee and the Registrar, who is a member of this Committee, recorded a detailed note on 2nd of September, 1966, embodying his own view that the petitioner had been guilty of using unfair means under regulation 14(a) (i) of the Panjab University Calendar (1966), Volume I. Mr. G. L. Chopra, a member of the Standing Committee, recorded a brief note on 16th of September, 1966, agreeing with the opinion of the Registrar. The third member, Bakhshi Sher Singh, however, took a different view of the matter and set out the points in his own note of 21st of September, 1966, which in his view entitled the candidate to be given a benefit of doubt. Bakhshi Sher Singh thought that the case against the petitioner was based on mere suspicion.

Regulation 14(a) (i) deals with a case of a candidate who is found guilty of "smuggling in an answer-book or a continuation-sheet" and under regulation No. 21 of the same chapter relating to unfair means it is thus provided:—

> "The Syndicate shall appoint annually Standing Committee to deal with cases of the alleged misconduct and use of unfair means in connection with examinations. When the Committee is unanimous, its decision shall be final except as given in the proviso below. If the Committee is not unanimous, the matter shall be referred to the Vice-Chancellor who shall either decide the matter himself or refer it to the Syndicate for decision."

The proviso, which is not of importance for purposes of this case, to regulation No. 21 deals with a situation where within 30 days of the receipt of the decision by the candidate, the Vice-Chancellor thinks that some facts have come to light which, had they been before the Committee, might have induced them to come to a different decision.

There being a difference of opinion amongst the members of the Standing Committee, the case was referred to the Vice-Chancellor. A note was recorded by the Assistant Registrar and signed by the Registrar. The Vice-Chancellor, thereon recorded the following order "I accept majority opinion". On 6th October, 1966, the Vice-Chancellor having agreed with the majority, the impugned order was conveyed to the petitioner on whose behalf it has been urged by his learned counsel Mr. Sachar that the order of disqualification is not a decision envisioned in Regulation No. 21. It is plain that if the opinion of the Standing Committee is not unanimous, the matter has to be referred to the Vice-Chancellor for decision. It is not a compliance of the rule for the Vice-Chancellor to say that he agrees with the majority opinion. The matter, after the difference of opinion has been recorded in writing, is re-opened and the separate notes of the members themselves constitute material on which the Vice-Chancellor in giving his decision has to make up his mind. It is not as if the Vice-Chancellor was dismissing an appeal which was preferred to him against a unanimous decision. As I read the regulation, the Vice-Chancellor, when a difference of opinion is recorded, has to view the matter independently in a quasi-judicial manner and on reading the note of the Assistant Registrar he cannot be said to reach that decision by merely saying that he agrees with the majority decision. He has to give a consideration—and a judicial consideration—to the views which have been expressed by the members of the Standing Committee. Bakhshi Sher Singh in his dissenting note has given reasons why he considered that the answers contained in continuation-sheets could not be said to have been recorded outside the examination hall and smuggled inside for the benefit of the petitioner.

It has further been contended by Mr. Sachar that the petitioner should have been afforded an opportunity before the Vice-Chancellor made his decision under regulation No. 21. It is true that fullest opportunity was given to the petitioner before the matter was placed for decision of the Standing Committee. If the decision of the Standing Committee would have been unanimous, the petitioner could not have been heard to say that he had not been provided with an adequate opportunity to defend himself. The Standing Committee having taken opposite views on the data and evidence placed before it, the opinions so recorded by the members constituted fresh material for the decision of the Vice-Chancellor and under the rules of natural justice the petitioner legitimately became entitled to make submissions about it when the Vice-Chancellor came to decide the question independently under regulation 21. After all, the reasons which

have been recorded by Bakhshi Sher Singh in favour of the petitioner could have been pressed or presented in a new perspective or dimensions before the Vice-Chancellor and such reasoning might have commended itself to him. I think the bare statement of the Vice-Chancellor that he accepted the majority opinion could not be regarded as a "decision" contemplated by regulation No. 21 and I also think that before the Vice-Chancellor reached a decision, he should have called upon the petitioner to make his submissions on the material which he was entitled to be apprised of.

I would, therefore, allow this petition and quash the impugned order. It would be open for the Vice-Chancellor to take a decision under regulation No. 21 according to the observations made aforesaid. In the circumstances, there would be no order as to costs.

A copy of this order should be sent forthwith to the Panjab University for compliance.

B.R.T.

APPELLATE CIVIL

Before A. N. Grover and Prem Chand Pandit, JJ.

THE UNION OF INDIA,—*Appellant*

versus

SHEELA DEVI AND ANOTHER,—*Respondents.*

Regular First Appeal No. 212 of 1959.

March 14, 1967

Land Acquisition Act (I of 1894)—Ss. 9 and 25—Notice issued by Collector—Claim filed by owner beyond the time fixed by Collector but before the award—Whether valid—Claim not made with regard to certain items of property specifically—Whether can be allowed by Court even if total compensation awarded does not exceed the amount claimed.

Held, that if a claimant makes his claim in pursuance of the notice issued by the Collector under section 9 of the Land Acquisition Act beyond the time fixed in the notice but before the award is made, the Collector has the jurisdiction to deal with his claim and such a claim is a claim pursuant to the notice