

Before : G. C. Mital & Amarjeet Chaudhary, JJ.

RAJ KUMAR,—Petitioner.

versus

PUNJABI UNIVERSITY, PATIALA AND OTHERS,—Respondents.

Civil Writ Petition No. 14832 of 1990.

11th February, 1991.

Constitution of India, 1950—Art. 14, 226 and 227—Punjabi University Calendar, 1987—Ch. 35, rl. 5 : Ch. 25, rl. 3 cl. (ix)—Petitioner's marks exceeding the aggregate of topper in University after re-evaluation—Petitioner—Whether entitled to gold medal.

Held, that the petitioner on the basis of re-evaluation of papers had secured 484 marks and his marks were higher than respondent No. 4. If the marks obtained after re-evaluation are not to be taken into consideration, the very purpose of the re-evaluation is defeated. In this view of the matter, the respondent-University is directed to award University Medal to the petitioner without depriving respondent No. 4 of the University Medal given to her.

(Paras 3 & 4)

Petition under Articles 226/227 of the Constitution of India praying that :

- (i) *the records of this case may kindly be summoned.*
- (ii) *that a writ in the nature of Mandamus directing the respondent University to award the University Medal to the petitioner be issued;*
- (iii) *that the respondent University be issued interim direction not to award University Medal to the respondent No. 4;*
- (iv) *that a writ of Certiorari be issued quashing the order Annexure P-4 passed by respondent No. 3 and Rule 5 of Chapter 35 at page 210 of the Punjabi University Calendar, 1987 as also Rule 3 Clause (ix) of Chapter 25 Medals-Awards at page 106 Volume II of the Punjabi University i.e. the non-obstante clause declaring the same as ultra vires of Articles 14 of the Constitution of India;*
- (v) *that the Hon'ble Court may also pass any other writ, direction or order which it may deem just and proper in the*

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circumstances of the case and award the petitioner all the consequential benefits to which he may be entitled to;

- (vi) filing of certified copies of the Annexures may kindly be dispensed with;*
- (vii) that the service of the writ petition on the respondents as required under the rules in circumstances of the case be also dispensed with;*
- (viii) filing of photostat copies of the Annexures may kindly be allowed.*
- (ix) costs of the writ petition be also allowed.*

Jaswant Rai (Father in Law) of the petitioner in person.

JUDGMENT

Amarjeet Chaudhary, J. (Oral)

(1) The petitioner along with respondent No. 4 appeared in Master of Physical Education (one year Course) Examination in April, 1989, conducted by Punjabi University at Patiala. In the said examination respondent No. 4 obtained the highest marks 475 and stood first in the University. The petitioner being dissatisfied with the result applied for re-evaluation of two papers i.e., Supports Medicine and Planning and Supervision in Physical Education. As a result of re-evaluation of the papers, the marks of the petitioner were increased in paper III from 48 to 79 and in paper V from 47 to 52 as a consequence of which the total marks stood changed from 448 to 484, as is apparent from the result-cum-detailed marks card Annexure P-2. Petitioner thereafter moved representation, dated 2nd July, 1990 to respondent No. 2 requesting that since the marks obtained by him were higher than that obtained by other candidates, therefore, he should be awarded University Medal and his case be referred to the University for the said purpose. However, when no reply was received, the petitioner moved another representation, dated 22nd October, 1990 for the said purpose. But respondent No. 3, did not agree and turned down the request of the petitioner to grant him University Medal,—*vide* letter Annexure P-4. The petitioner through this petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to award University

Medal to him, having secured the highest position in Master of Physical Education.

(2) The stand of the respondents is that a candidate who gets highest position after the re-evaluation process will not be entitled to the Medal/Award of the University.

(3) It cannot be disputed that the petitioner on the basis of re-evaluation of papers had secured 484 marks and his marks were higher than respondent No. 4. If the marks obtained after re-evaluation are not to be taken into consideration the very purpose of the re-evaluation is defeated. The Apex Court in *Jagat Narain Gupta v. The Punjab University and others* (1), had observed that the cost of litigation will be several times more than the cost of a Gold Medal and directed the University to grant Gold Medal. This Court subsequently in CWP No. 5768 of 1990, decided on 13th September, 1990 on somewhat identical facts had issued a direction to the University to award Gold Medal to the petitioner.

(4) In this view of the matter, the respondent-University is directed to award University Medal to the petitioner without depriving respondent No. 4 of the University Medal given to her.

(5) The writ petition stands allowed as indicated above.

PCG.

Before : G. C. Mital and S. S. Grewal, JJ.

PIARA SINGH AND OTHERS,—*Petitioners.*

versus

PUNJABI UNIVERSITY, PATIALA AND ANOTHER,—*Respondents.*

Letters Patent Appeal No. 1094 of 1990.

19th February, 1991.

Punjabi University Calendar, Vol. I—S. 9A (8)—Emergency powers of Vice-Chancellor—Exercise of—Cancellation of examination centre—Ordering re-examination—Action of Vice Chancellor

(1) Civil Appeal No. 91 of 1990, decided on 2nd May, 1989.