

THE HIGH COURT OF MADHYA PRADESH

WP-441-2012

(KALPANA PANDEY Vs AWADHESH PRATAP SINGH UNIVERSITY)

Jabalpur, Dated : 31-01-2018

Shri Dileep Pandey, learned counsel for the petitioner.

Shri Manas Mani Verma, learned counsel for the respondent/University.

Heard on the question of admission.

The petitioner has filed this petition being aggrieved by order dated 14.6.2011 passed by the respondent/ University, whereby the petitioner's examination of Bachelor of Arts obtained from the respondent/University, has been cancelled.

The learned counsel for the petitioner submits that the impugned order has been passed taking shelter of Clause 16, Part-V of the Ordinance No.6 of the University, which provides that no student shall pursue two courses at the same time. The learned counsel for the petitioner submits that the petitioner had obtained admission in the correspondence course and pursued B.A. course from the year 2002 to 2004. It is submitted that at the same time the petitioner had obtained admission in the B.H.M.S. course in the Barkatullah University in the year 2003 onwards.

The learned counsel for the petitioner submits that the ordinance in question prohibits undertaking of two courses in the same University and does not contemplate or prohibit undertaking of two different courses in two different universities simultaneously. It is submitted that in such circumstances, the impugned order has been passed without taking this aspect into consideration or giving opportunity of hearing to the petitioner and therefore, the same deserves to be quashed.

The learned counsel for the respondent/University has filed a return and has submitted that the petitioner has admittedly pursued two simultaneous courses in two different universities. It is submitted that the ordinance does not restrict its applicability to two simultaneous courses being pursued from the same university but infact creates prohibition in pursuing two parallel

courses. It is submitted that when the fact that the petitioner has pursued two parallel courses was discovered, the order has been issued which is in terms of the ordinance and therefore, is in accordance with law.

Having heard the learned counsel for the parties and having perused the provisions of the ordinance as well as the facts of the case, it is observed that admittedly the petitioner pursued two parallel courses in two different universities. The petitioner has not brought on record, the ordinance of the Barkatullah University in support of his submission that it is permissible to pursue two parallel courses in two different universities at the same time. In the circumstances, we do not find any reason to restrict the interpretation of Clause 16, Part-V of the Ordinance No.6 in the manner as prayed for by the petitioner, moreso, as doing so would result in the absurd situation where students could pursue several courses simultaneously in different universities which cannot be the object and purpose for inclusion of such a clause. As admittedly, the petitioner pursued two parallel courses simultaneously from two different universities, the authorities after taking this aspect into consideration passed the impugned order in exercise of Clause 16, Part-V of the Ordinance No.6, which cannot be found fault with.

We are also of the considered opinion that as the facts of the case are not disputed and admitted, the contention of the petitioner to the effect that he was denied any opportunity loses significance on account of the admitted position of the facts as the petitioner has nothing more to add or subtract from the facts that have been mentioned by the authorities in the impugned order, nor is there any dispute in that regard.

In view of the aforesaid facts and circumstances of the case, the petition filed by the petitioner, being meritless, is accordingly, dismissed.

(RAVI SHANKAR JHA)
JUDGE

(NANDITA DUBEY)
JUDGE

MSP

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High Court of Madhya Pradesh