

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13206 of 2025**

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ARCHANA VERMA D/O K.N.VERMA
Versus
SARDAR PATEL UNIVERSITY & ANR.

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Appearance:

RAHUL SHARMA(8276) for the Petitioner(s) No. 1

MR MEET A SHAH(9933) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 30/09/2025**ORAL ORDER**

1. Heard learned Advocate Mr.Rahul Sharma with learned Senior Advocate Mr.I.H.Syed on behalf of the petitioner and learned Advocate Mr.Meet Shah on behalf of respondent no.1.

2. By way of this petition, the petitioner inter alia seeks for quashment of communication dated 26.08.2025 more particularly whereby the results of the examination of the IIIrd semester which had been passed by the present petitioner has been canceled and furthermore, by way of an interim relief, the petitioner submits that she may be permitted to appear in semester V and VI in normal course.

3. Considering the submissions made by learned Counsels for both the sides and having perused the documents on

record, it would appear to this Court that the petitioner had joined the L.L.B. course with the respondent no.2 College affiliated with respondent no.1 University somewhere in the year 2023 and whereas, the petitioner had passed the Ist semester examination in the month of December, 2023.

3.1. It would appear that the extant rules of the University require that if the applicant has completed the 12th standard examination from any board other than the Gujarat Board, would be required to produce the migration certificate to get the final eligibility certificate and whereas, in case the migration certification is not submitted within a month of enrollment, then the result of the Ist semester examination will be pending. It would appear in this regard that the since petitioner did not submit the migration certification in time, the petitioner was not allowed to appear in the IInd semester examination which was to be conducted near about April-May, 2024. It would appear that in the month of June, 2024, the petitioner had submitted her migration certificate and her Ist semester result had been declared. It would appear that the petitioner had also appeared for IIIrd semester examination somewhere in the month of October, 2024 and January, 2025

and had cleared the same.

3.2. It appears that the petitioner, even though she had pursued the IVth semester from January to April, 2025 is now not being permitted to apply for the IVth semester examination and whereas, it is under such circumstances that the petitioner has approached this Court with the above referred main prayer and interim prayer.

3.3. It would be apposite to mention here that in the interregnum, the petitioner had appeared for IInd semester external examination in the month of June, 2025 and had cleared the same. It would thus appear that while the petitioner has cleared the Ist and IInd semester examination for which the University does not have any issue, the results of the IIIrd semester have been canceled by the University and whereas, while the petitioner has assailed the said decision before this Court by way of this petition, the decision of the University of not permitting the petitioner to participate in the Vth semester examination is also assailed, by way of the interim prayer.

4. Learned advocate Mr.Meet Shah appearing on behalf of

the University would draw the attention of this Court to the Admission Regulations of the respondent University more particularly Regulation-6.11 which is with regard to carry-forward criteria and whereas, heavy reliance is placed by learned advocate on Regulation-6.11.1.

5. To this Court, it would appear that the said regulation could not be read in isolation and has to be read with Regulation-6.11.2 and whereas, both the sub-regulations being relevant for the present purpose, are reproduced hereinbelow for benefit:-

“R.6.11.1. A candidate who has underdone a regular course of study in a particular Semester, fulfill the required criteria of attendance and has secured marks equal to passing standard both in Internal and External Examination shall be eligible for continuing study in next Semester.

R.6.11.2. For Undergraduate programmes:

“A candidate who fails in more than three heads of passing in I and II semester shall not permitted to go to V semester.”

Results of VI semester examination shall not be declared until candidate clears all the heads of passing.”

5.1. Regulation-6.11.1 as could be discernible inter alia lays down that a candidate had to fulfill the required criteria of attendance and secure marks equal to passing standard in

both internal and external examination for being continued in the next semester. On the other hand, Regulation-6.11.2 more particularly for undergraduate programmes inter alia is an exception to the earlier sub-regulation and whereas, it is laid down that the candidate even if has not cleared semester I and II, could pursue studies in the Vth semester if the candidate has passed more than three heads of passing in semester I and II.

5.2. While the sub-regulation is couched in a negative language, the above, to this Court, would be a positive reading of the same. Finally, the said sub-regulation inter alia lays down that for appearing in the VIth semester examination, the candidate has to clear all the earlier examinations.

5.3. To this Court, a prima facie fair reading of both the sub-regulations would mean that while 6.11.1 is the general rule, 6.11.2 is the exception to the general rule and whereas, it would appear to this Court that a candidate would automatically be permitted to appear till the IVth semester examination even if the candidate has not passed the requisite heads in semester I or semester II and whereas, in case the candidate wants to pursue semester V, then the candidate

would be required to pass minimum three heads of passing in the Ist and IInd semester.

5.4. To this Court, considered from the perspective of the fact situation that the petitioner has passed semesters I and II fully. The University does not have any issue with the said results. If that aspect is kept in mind and read with Regulation-6.11.2, then the petitioner would automatically be entitled to appear in the Vth semester examination, inspite of the fact that the petitioner's results for IIIrd semester is under a cloud, more particularly as noted hereinabove canceled by the University and subject matter of challenge in the present petition and the petitioner not having cleared the IVth semester examination.

6. To this Court, it would appear that considered from the fact situation, a fair reading of Regulation-6.11.2 would entitle the petitioner to pursue her Vth semester and to this Court, it would also appear that the petitioner would be entitled to appear in the examination for the Vth semester more particularly as noted hereinabove on strength of the fact that the petitioner has cleared semesters I and II examination.

7. Having regard to the above prima facie discussion, the following directions are passed:-

(i) Issue **Notice to the respondents, returnable on 25.11.2025.** Learned advocate Mr.Shah waives service of notice on behalf of respondent no.1. Direct service to respondent no.2 is permitted.

(ii) By way of interim relief, the respondents are directed to permit the petitioner to appear in the examination of the Vth semester L.L.B. with the respondent no.2 College and whereas, it is clarified that while the results of the Vth semester shall be declared by the University, appearing in the examination and even passing thereof would not create any equities in favour of the petitioner and whereas, the same would be subject to final decision which would be taken in the present writ petition.

Bhoomi

(NIKHIL S. KARIEL,J)