IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
CWP No. 9085 of 2026
Date of Decision: October 9, 2026

Harish .....Petitioner

Versus

Indira Gandhi National Open University and others ... Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioner: Mr. Mohan Singh, Advocate.

For the Respondents: Mr. Narender Sharma, Ms. Minakshi Sharma and Mr. Suraj Sharma, Advocates, for respondent Nos. 1 to 3.
Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate General with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for respondents Nos. 4 and 5/State.

Sandeep Sharma, Judge(oral)

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Mohan Singh, learned counsel for the petitioner is that once, the police, while investigating FIR No. 320, dated 27.12.2025 registered at Police Station Sadar, Bilaspur, has found no evidence against the petitioner that he had stolen/unauthorizedly taken the answer sheet on 27.12.2025 from the examination centre coupled with the fact that the police, after having completed investigation, has already filed cancellation report in the competent court of law, there is no occasion, if any, for the respondent-University to debar the petitioner from appearing in the examinations for two sessions.

2. Precisely, the facts, as emerge from the pleadings as well as other material adduced on record by respective parties, are that in the year 2025,

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

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petitioner got enrolled for B.Com (G) Degree in respondent-University. In December, 2025, petitioner appeared in TEE for second year on 27.12.2025. Allegedly, on 27.12.2025, when petitioner appeared in 5th exam at Government Degree College, Bilaspur (Study Centre of IGNOU), he did not hand over his answer sheet to the invigilator. When petitioner reached home, he received a call from the study centre and he was asked to immediately come back to the Government Degree College but he feigned ignorance and stated that he had left the answer sheet on the table of invigilator. In the afore background, FIR No. 320, came to be registered at Police Station Sadar under S.302 BNS but during the investigation, one Amit Kumar son of Babu Ram, resident of Village Balag Ka Ghat, Post Office Tatoh, Tehsil Sadar, District Bilaspur handed over answer sheet of the petitioner to the Police. Afore person allegedly disclosed to the Police that answer sheet was found lying in his bag, which he had kept outside the examination centre on 27.12.2025. In the afore background, police has already filed cancellation report in the competent court of law.

3. Now, precise grouse of the petitioner is that once, nothing has emerged against the petitioner rather answer sheet written by him in the examination has been recovered from the possession of a third person, he could not have been debarred by respondent-University from appearing in further examinations.

4. Mr. Narender Sharma, learned counsel for the respondent-University stated that present petition is not maintainable because, at the first instance, petitioner ought to have filed an appeal against order passed by competent authority, debarring the petitioner from appearing in further examinations for two sessions, however, Mr. Sharma fairly admitted that on

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account of filing of cancellation report, petitioner cannot be said to be a defaulter and, if that is so, order passed by respondent-University debarring him from appearing in further examinations, deserves to be set aside.

5. Consequently, in view of the facts taken note herein above as well as fair statement made by learned counsel for the respondent University, this Court finds merit in the petition and same is allowed. Impugned order dated 22.4.2026 (Annexure P-4) is quashed and set aside. Needless to say, result of the petitioner, if not already declared, shall be declared forthwith.

In view of above, petition is disposed of. All pending applications stand disposed of.

(Sandeep Sharma),
Judge

October 9, 2026
(vikrant)

High Court of H.P.

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