

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 13.08.2013

+ LPA No.361/2013 & CM Nos.8453-54/2013

S. VIJAYARANI

..... Appellant

Versus

UNIVERSITY OF DELHI & ORS.

.... Respondents

Advocates who appeared in this case:

For the Appellant : Dr K.S. Chauhan, Mr Ajit Kumar Ekka and
Mr Ravi Prakash.

For the Respondent : Mr Mohinder J. S. Rupal.

CORAM:-

**HON'BLE MR JUSTICE BADAR DURREZ AHMED, ACTING
CHIEF JUSTICE**

HON'BLE MR. JUSTICE VIBHU BAKHRU

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. This appeal is directed against the judgment dated 22.05.2013 delivered by a learned Single Judge of this Court in W.P.(C) No.3420/2013. The appellant had filed the said writ petition being aggrieved by the letter dated 20.05.2013 whereby the appellant was informed that her detention in the LLB first semester had been confirmed and that the provisional

admission and continuance given to her with respect to the second semester stood cancelled with immediate effect. By virtue of the said letter, the appellant was debarred from appearing in the remaining examination of the LLB IInd term for the session 2012-13. The impugned letter is as under:-

“LAW CENTRE-II
(FACULTY OF LAW, UNIVERSITY OF DELHI)
A.R.S.D. College (Building)
DHAULA KUAN, NEW DELHI-110021
Ph.-24111491, Fax- 27667052

Urgent/Out today

By Hand

Ref.No./LC-I/2013/264

May 20th, 2013

MS S. Vijayarani,
Roll No.96609, 96655
Law Centre-II

Sir/Madam,

You were permitted to appear in the LL.B. I/III/IV/V Term Examination held in November/December, 2012 against an undertaking that you were provisionally permitted to appear in the Examination for LL.B. I/III/V Term, 2012-13. Later on Pending decision of the University you were allowed to take admission to LL.B. II/IV/VI Term strictly on provisionally basis with a clear understanding that whatever will be the decision of the University the same will be binding to you. Now we have received the decision from the University via letter No. F.OL/356. dt. 15th May, 2013 that your request for condonation of your shortage of attendance and cancellation of your detention has not been accepted/approved by the University. Hence your detention in the LL.B. I/III/V Term has been confirmed and consequently your provisional admission and

continuance in LL.B. II/IV/VI Term stands cancelled with immediate effect.

Therefore, you are debarred hereby from appearing in the remaining examination of LL.B. II/IV/VI Term (Annual) 2012-13.

Thanking you,

Yours faithfully

Sd/-

Prof. Poonam Saxena
Professor-in-Charge”

2. The appellant did not have the requisite attendance in the first semester of the LLB course. The reasons for which were genuine. She had a complication with regard to the delivery of her child and for medical reasons she could not attend the lectures to comply with the requirement of 66.6% attendance. Even if the relaxed criteria of having overall 66.6% attendance rather than having the said percentage of attendance in each of the subjects was applied, she would still not qualify for appearing in the examination of the Ist term. However, despite the fact that her attendance was less than the required percentage, she was provisionally permitted to appear in the Ist term LLB examination held in December, 2012. However, the decision to permit her to appear provisionally in the said examination was taken at a stage when examination in respect of four papers had already been conducted and, therefore, it was possible for her to sit in the 5th paper only. She has passed in that paper having obtained 58% marks.

3. Pending decision of the University with regard to her attendance, the appellant was permitted to take admission in the IInd term of the LLB course on the understanding that the decision of the University would be binding on her.

4. Thereafter, the appellant attended lectures in the IInd term and insofar as this term was concerned, she had the requisite attendance. She was also given an admission ticket for appearing in the second semester examination which was held in May, 2013. Infact she had appeared in the first four papers of the IInd term when she received the letter dated 20.05.2013 whereby she was debarred from appearing in the remaining examination of the IInd term of the LLB course. In other words, the appellant had appeared in four papers out of the five papers for the IInd term. We are informed by Mr Rupal that she has passed in all these four papers.

5. This appears to be a hard case inasmuch as the appellant could not have the requisite attendance in the first semester because of her medical condition and for no fault on her part. Yet because of the strict rules of the University which have been confirmed by this Court from time to time, she would not be entitled to appear in the LLB first semester examination. That being the case, her appearance in one paper of the first semester cannot be treated as regular.

6. The learned counsel for the appellant drew our attention to a letter dated 15.05.2013 issued by the Head and Dean of the Faculty of Law to the Registrar, University of Delhi. In that letter, it is mentioned that a few students were allowed to write the examination provisionally in December, 2012 on the recommendation of various officers and the result of some of

these students were declared. It was also indicated that by a letter dated 08.05.2013, the University had regularized only ten cases. On the other hand, it was indicated that the admission in respect of fourteen cases were connected which included the case of the appellant. The learned counsel for the appellant submitted that since ten cases were regularized, the appellant's case also ought to be regularized. However, Mr Rupal appearing for the University pointed out that eight out of those ten cases were concerned with late admissions on account of late declaration of the graduation results, which is not the case here. The remaining two cases were maternity cases, which is also not the case in the present matter. This is so because the delivery of the child in the case of the appellant took place sometime in 2010 and, therefore, it cannot be regarded as a maternity case. There is no doubt that it was a medical complication but no relaxation has been provided with regard to such a condition.

7. We are in agreement with Mr Rupal that the case of the appellant is different from those ten cases which had been regularized by the University and, therefore, the appellant cannot take advantage of the said letter dated 15.05.2013.

8. In this backdrop, we find that the appellant's attendance in the first semester was below the requisite 66.6% and, therefore, she was not eligible for appearing in the first semester examination. That being the case, even though, she had passed in one paper in which she had appeared in the first semester that result cannot be taken into account. Consequently, in the second semester taken together she had passed in four papers which does not entitle her to move on to the third semester, therefore, we find no

infirmity with the impugned judgment delivered by the learned Single Judge.

9. The appeal and all the pending applications are disposed of.

10. There shall be no order as to costs.

BADAR DURREZ AHMED, ACJ

VIBHU BAKHRU, J

AUGUST 13, 2013
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