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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 642/2022 & C.M.No.47907/2022**

VASUDHA SHUKLA

..... Appellant

Through: Mr. L.R. Khatana with Mr. A.K. Srivastava, Advocates.

versus

UNION OF INDIA THROUGH SECRETARY & ORS.

..... Respondents

Through: Ms. Arunima Dwivedi, CGSC with Mr. Aakash Pathak, Ms. Pinky Pawar and Mr. Prashant Rawat, Advocates for UOI.

Mr. Amitesh Kumar, Advocate for University.

Ms. Shubhi Sharma, Advocate for UGC.

Reserved on: 12th July, 2023

Date of Decision: 18th July, 2023

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CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J:

C.M.No.47907/2022 (Application under Section 5 of Limitation Act, 1963 for condonation of delay in filing the appeal)

1. Considering the averments made in the present application, the delay of 1 day in filing the present appeal is condoned.



2. The application is disposed of.

LPA 642/2022

3. The appellant is aggrieved by the judgment dated 15.09.2022 passed by the learned Single Judge in *W.P.(C) 1889/2021*. By way of the impugned judgment, the writ petition filed on behalf of the appellant seeking direction to the respondents to award degree of M.A. (Economics) and corresponding marksheet of passing the said examination, has been dismissed.

4. Facts in brief are that the appellant was a student of Amity University, Noida Campus for a two years course in M.A. (Economics) for the session 2016-2018. The said university prescribed a minimum Cumulative Grade Point Average (CGPA) of 6.0 at the end of final year for qualifying the postgraduate/dual degree/integrated programme. Likewise, it was prescribed that students have to pass in each term/semester separately by securing a minimum Semester Grade Point Average (SGPA) of 5.0. Since the appellant secured 4.96 SGPA in Semester – II and CGPA of 5.44 at the end of final year, and failed to secure minimum CGPA of 6.0 at the end of the final year, her result was shown as unsuccessful. The same was challenged by the appellant by filing writ petition before this Court. However, by the impugned judgment dated 15.09.2022, learned Single Judge dismissed the petition filed on behalf of the appellant herein by holding that the university had its own passing criteria. Thus, the present appeal has come to be filed.

5. On behalf of the appellant it is contended that it is the statutory duty of the universities to adopt guidelines issued by the University Grants Commission (UGC). Learned counsel has referred to the UGC (Minimum Standards of Instruction for the Grant of the Master's Degree through Formal Education) Regulations, 2003 (hereinafter referred as UGC



Regulations). He relies upon Clauses 1.2, 6.1 and 6.5 of the said Regulations in order to contend that the UGC Regulations shall apply to all universities and that the universities shall adopt the guidelines issued by the UGC from time to time.

6. Learned counsel for the appellant further relies upon 'UGC Guidelines on Adoption of Choice Based Credit System' (hereinafter referred as UGC guidelines). By referring to the same, it is contended that UGC has itself prescribed that it is desirable to introduce Uniform Grading System. It is further contended that the stipulation in the UGC Guidelines that the universities can decide on the grade or percentage of marks required to pass in a course, refers to only professional degrees wherein the pass grades/percentage can be decided by the universities on the recommendations of statutory professional councils, as enumerated therein.

7. Learned counsel for appellant has also referred to Student Handbook issued by the university, wherein grading system is elaborated, as also to the 'Regulations on Conduct of Examinations, Scheme of Evaluation and Discipline among students in Examinations' (hereinafter referred as University Regulations). It is submitted that as per the exam result issued by the university, the appellant is shown to have 'Credits Earned' to the extent of 100% and 'Courses Passed' to the extent of 100%. Similarly, the appellant has been shown to have 'Earned Credit Units' (ECU) of 111.00. However, she has wrongly been shown as unsuccessful.

8. Learned counsel for the appellant has also relied upon The Uttar Pradesh Private Universities Act, 2019 to contend that the same stipulates that the universities shall conform to the standards, conditions and regulations set by UGC and other regulatory bodies established by the State



Government or Central Government. Further, any arrangement made by the university shall not be inconsistent to the provisions of the Act or Regulations of the regulatory bodies.

9. In support of his submissions, learned counsel for the appellant has relied upon paras 66 and 67 of the judgment in the case of ***Praneeth K. and Others Vs. University Grants Commission (UGC) and Others, 2020 SCC OnLine SC 688.***

10. Per contra on behalf of the University Grants Commission (UGC) it is contended that the universities can decide on the grade or percentage of marks required to pass a course. Therefore, since the appellant has failed to secure the required grade as prescribed by the university for passing the course, she has rightly been declared as unsuccessful.

11. On behalf of Amity University, it is vehemently argued that the appellant was aware of the passing criteria, as the same was clearly detailed in the Student Handbook. It is contended that the appellant failed to obtain the SGPA of 5.00 in Second Semester, which is a mandatory requirement and also failed to obtain the mandatory CGPA of 6.0 at the end of all four semesters. Thus, the appellant has failed to meet the passing criteria of the course and has been denied the degree of the said course. It is further submitted that the maximum duration of completion of the programme is four years, which has also expired in the year 2020. The appellant has not opted for any supplementary exam in the permissible years of 2019 and 2020 to improve her CGPA so as to meet the passing criteria as prescribed in the University Regulations.

12. In support of his submissions, learned counsel for the Amity University has relied upon the following judgments:



- I. *State of T.N. & Anr. Vs. S.V. Bratheep (Minor) & Ors., (2004) 4 SCC 513*
- II. *Visveswaraiah Technological University & Anr. Vs. Krishnendu Halder & Ors., (2011) 4 SCC 606*
- III. *Mahatma Gandhi University & Anr. Vs. Jikku Paul & Ors., (2011) 15 SCC 242*
- IV. *A.P.J. Abdul Kalam Technological University & Anr. Vs. Jai Bharath College of Management and Engineering Technology & Ors., (2021) 2 SCC 564*

13. We have heard learned counsels for the parties and perused the record.

14. The respondent university has framed its Regulations, wherein minimum and maximum duration of academic programmes, grading system and passing criteria are stipulated. Clauses 13, 15, 16 and 20 of the University Regulations are reproduced as below:

“13. MINIMUM & MAXIMUM DURATION OF ACADEMIC PROGRAMMES

(1) The minimum period required for completion of a programme shall be as specified in the Scheme of Teaching and Examination and Syllabi for concerned programme and approved by the Academic Council on the recommendations of the Board of Studies.

(2) The maximum permissible period for completing a programme upto two academic years shall be N+1 year (two semesters) and for the programmes of more than two academic years duration, the maximum permissible period shall be N+2 academic years (four semesters), where “N” represents the minimum duration of the programme.

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15. GRADING SYSTEM

(1) The level of students’ academic performance as the



*aggregate of continuous evaluation and End Term Examination shall be reflected by letter grades on a Ten Point Scale according to the connotation as per **Table –A***

TABLE –A

Grade	Qualitative Meaning	Grade Point Attached
A+	Outstanding	10
A	Excellent	9
A-	Very Good	8
B+	Good	7
B	Above Average	6
B-	Average	5
C+	Satisfactory	4
C	Border Line	3
F	Fail	0
I	Incomplete	0
(F) DE	Debarred	0
AB	Absent	0
U	Unsuccessful	-
S	Successful	-

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16. PASSING CRITERIA

A student has to fulfill the following conditions to pass any academic programme of the University:

(1) A student who has earned minimum number of credits prescribed for the concerned programme as per the Structure, Curriculum and Scheme of Examinations, shall be declared to have passed the programme of study. Credit Units for each programme shall be decided by the Board of



Studies of each Institution and shall normally be as follows:

(Average per semester)

- | | |
|--|----------------|
| <i>(a) Under Graduate Programmes</i> | <i>22 - 25</i> |
| <i>(b) Post Graduate Programmes</i> | <i>27 - 30</i> |
| <i>(c) Integrated/Dual Degree Programmes</i> | <i>27 – 30</i> |

(i)³⁰ The minimum Credit Units prescribed for a programme shall include the Credit for Value Addition Courses (VAC)/ Basket Courses (BC). However, Passing in VAC/Credit Earned in BC is mandatory. The detailed Regulations & Guidelines for curriculum keeping the prescribed minimum credit unit in mind to be updated from time to time. Further, students may take upto 15% extra credits under Choice Based Credit System (CBCS) and students of SAP may take upto 20% extra credits.

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(3) Students should also pass in each term/ semester separately by securing a minimum Semester Grade Point Average (SGPA) as under:

Programme	Passing SGPA
<i>UG</i>	<i>4.50</i>
<i>UG (1 Year Diploma)</i>	
<i>UG (2 Year Diploma)</i>	
<i>UG (3 Year Diploma)</i>	
<i>PG</i>	<i>5.00</i>
<i>Diploma (PG Level 01 Year)</i>	
<i>Adv. Diploma (PG Level 1.5 Years)</i>	
<i>PG Diploma (02 Years)</i>	

(4) For successful completion of a programme, the student should secure a minimum Cumulative Grade Point Average (CGPA) at the end of final year of the programme as under:



Programme	Passing SGPA
UG	5.00
UG (1 Year Diploma)	
UG (2 Year Diploma)	
UG (3 Year Diploma)	
PG	6.00
Diploma (PG Level 01 Year)	5.00
Adv. Diploma (PG Level 1.5 Years)	5.50
PG Diploma (02 Years)	

20. RE-APPEARING

(1) A student who has fulfilled the attendance requirements and is eligible to appear in an Examination, fails to appear in the examination shall be required to subsequently appear in the examination when scheduled for next batch of students on payment of prescribed fee.

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2⁴⁰(a) Guided Self Study Course

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(4) A student, who has failed to secure the required passing SGPA i.e. 4.5 for UG and 5.0 for PG Courses shall, in order to secure a passing SGPA, apart from fulfilling the requirements of Para 17 above, has the option to reappear in the end term examinations also of the Course Units of the concerned term in which he desires to improve his performance, when these examinations are held on normal schedule.

4⁴¹(a) Students who have passed all courses (Minimum C+ Grade) but not meeting Passing SGPA criteria as reference in para 16 (3) may be permitted to appear in Supplementary Examination with a view to improve grade and score Passing/Promotion SGPA of the respective semesters.”

15. Perusal of the aforesaid clearly shows that passing criteria for postgraduate programme has clearly been stipulated as securing a minimum



SGPA of 5.0 in each term/semester and minimum CGPA of 6.0 at the end of final year of the postgraduate programme.

16. It is also pertinent to note that the Scheme of Evaluation and Grading is also printed by the university on the back side of every marksheet which is given to all the students at the end of each semester. The Scheme of Evaluation and Grading printed on the back side of the marksheet provides every information to each student regarding the minimum academic requirements, SGPA, CGPA and also conversion of CGPA to percentage of marks so that students are fully aware about their performance and also requirements for improvement during the entire period of the course in which they are enrolled. The said Scheme of Evaluation and Grading prescribed by the university and printed on the back side of the marksheet issued to students is reproduced as below:

“SCHEME OF EVALUATION & GRADING

- 1. Evaluation of student performance in each course-unit has two components: (a) internal continuous assessment (course work) and (b) the term-end examinations which are held at the end of Semester/Academic Year.*
- 2. The level of student academic performance as the aggregate of continuous evaluation and end term examination is reflected by letter grades on a ten point scale according to the connotations given below:*

<i>Grade</i>	<i>Qualitative Value</i>	<i>Grade points</i>
<i>A+</i>	<i>Outstanding</i>	<i>10</i>
<i>A</i>	<i>Excellent</i>	<i>9</i>
<i>A-</i>	<i>Very Good</i>	<i>8</i>
<i>B+</i>	<i>Good</i>	<i>7</i>
<i>B</i>	<i>Above Average</i>	<i>6</i>

<i>Grade</i>	<i>Qualitative Value</i>	<i>Grade Points</i>
<i>B+</i>	<i>Average</i>	<i>5</i>
<i>C+</i>	<i>Satisfactory</i>	<i>4</i>
<i>C</i>	<i>Border Line</i>	<i>3</i>
<i>F</i>	<i>Fail</i>	<i>0</i>



3. Course credit units are integer numbers indicating the weightage assigned to a course unit project research work, summer internship on the basis of contract hours per week on all learning activities.

MINIMUM ACADEMIC REQUIREMENTS:

(1) The student must score a minimum Grade 'C+' in each course unit.

(2) The minimum passing SGPA for each semester is 4.5 for Under Graduate Programmes and 5.0 for Post Graduate Programmes and Integrated Programmes.

(3) The student should secure a minimum overall Cumulative Grade Point Average (CGPA) of 6 in the case of Post Graduate and Integrated Programmes and 5.0 in the case of Under Graduate Programmes at the end of final year.

SEMESTER GRADE POINT AVERAGE

The semester performance of the student is indicate as 'Semester Point Grade Average (SGPA) at the end of every semester SGPA is the weighted average of Grade Points of all letter grades secured by a student for all the course units in the Semester. The formula for computing SGPA/AGPA is as under:

$$SGPA = \frac{U1G1 + U2G2 + U3G3 + \dots}{U1 + U2 + U3 + \dots}$$
 Where $U1, U2, U3 \dots$ denote units associated with the courses taken by the students are $G1, G2, G3 \dots$ are the Grade points of the letter grades awarded in the respective courses.

CUMULATIVE GRADE POINT AVERAGE (CGPA)

The CGPA is used to describe overall performance in all courses in letter grades which a student has obtained. It is weighted average of grade points obtained by him/her in all



the semesters/years.

$$\text{CGPA} = \frac{\text{Cumulative Grade Points Secured in all passed courses}}{\text{Cumulative Units Associated}}$$

$$\text{i.e. CGPA} = \frac{U1G1 + U2G2 + U3G3 + \dots}{U1 + U2 + U3 + \dots}$$

CONVERSION OF CGPA TO PERCENTAGE OF MARKS

Conversion from CGPA to percentage of marks does not have rigor rationale. However, an approximate and indicative equivalence between CGPA and percentage of marks can be assessed by multiplying CGPA with 10.

DIVISION:

<u>CGPA</u>	<u>EQUIVALENT DIVISION</u>
8.5 and above	First Division with Distinction
6.5 but less than 8.5	First Division
6.0 but less than 6.5	Second Division (in the case of Post Graduate & Integrated Programmes)
5.0 but less than 6.5	Second Division (in the case of Under Graduate programmes)

17. Likewise, the Student Handbook as published by the university for students in each academic year, specifically provides various aspects of the educational programmes in which students are enrolled, which includes Grading System as well as Passing Criteria. Para 2.5 detailing the Passing Criteria is reproduced as under:

“2.5 PASSING CRITERIA

A student has to fulfill the following conditions to pass any academic programme of the University:



a) A student who has earned minimum number of credits prescribed for the concerned programme as per the Course Structure, Curriculum and Scheme of Examinations, shall be declared to have passed the programme of study. Credit Units for each programme shall be decided by the Board of Studies of each Institution and shall normally be as follows:

	<i>Minimum C.U (Average per semester)</i>	<i>Maximum C.U (Average per semester)</i>
<i>(i) Under Graduate Programmes</i>	25	30
<i>(ii) Post Graduate Programmes</i>	30	35
<i>(iii) Integrated Programmes</i>	30	35

The minimum Credit Units prescribed for a programme shall not include the Credit for Value Addition Courses (VAC)/ Basket courses(BC). However, Passing Credit Earned in VAC/BC is mandatory.

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c) Students of both UG and PG programmes should also pass in each semester separately by securing a minimum Semester Grade Point Average (SGPA) of 4.5 for UG and 5.0 for PG on a 10 point scale.
xxxxxxxx”

18. Reading of the aforesaid clearly manifests that the university prescribed the mandatory requirement of securing CGPA of 6.0 at the end of all four semesters and SGPA of 5.0 in each semester. However, it is apparent that the result of the appellant of all four semesters was not in accord with the mandatory requirement as contained in the University Regulations and the Student Handbook. The appellant failed to obtain SGPA



of 5.0 in the Second Semester, which is a mandatory requirement and also failed to obtain the mandatory CGPA of 6.0 at the end of all four semesters. Thus, the appellant was unable to secure the grades for obtaining the degree in terms of the criteria set by the university. The details of examination and the result/grading obtained by the appellant in the four semester examinations of M.A. (Economics) course during the academic years 2016-2017 and 2017-2018 are reproduced as below:

“10.

<i>The details of Semester Examinations with date</i>	<i>The SGPA of the semester</i>	<i>The CGPA</i>
<i>1st Semester November/December, 2016</i>	<i>5.81</i>	
<i>2nd Semester April/May, 2017</i>	<i>4.96</i>	<i>5.39</i>
<i>3rd Semester November/December, 2017</i>	<i>5.11</i>	<i>5.30</i>
<i>4th Semester April/May, 2018</i>	<i>5.85</i>	<i>5.44</i>

”

19. Each university has the authority to prescribe method of testing and evaluation of students as well as the criteria for successful completion and passing of a course, so as to become eligible for award of degree/diploma/certificate, etc. The laying down of the criteria and minimum eligibility of successful completion and passing of a course is within the domain of the university. In view thereof, the respondent university was entitled to lay down the method of evaluation/testing of students and passing criteria for successful completion of the course/programme conducted by the university.



20. The appellant joined the course in the university with full knowledge of the criteria prescribed by the university for successful completion of the course of M.A. (Economics). The said passing criteria has clearly been detailed by the university in its Regulations as well as Student Handbook and also detailed on the back side of the marksheet issued to the students during each semester. Thus, the appellant was well aware of what was academically required for successful completion of the course in which she had enrolled.

21. The UGC Guidelines clearly define the course to include 'papers' as component of a programme, as follows:

"3. Definitions of Key Words:

1. xxxxx

2. xxxxx

3. **Course:** Usually referred to, as 'papers' is a component of a programme. All courses need not carry the same weight. The courses should define learning objectives and learning outcomes. A course may be designed to comprise lectures/ tutorials/laboratory work/ field work/ outreach activities/ project work/ vocational training/viva/ seminars/term papers/ assignments/ presentations/ self-study etc. or a combination of some of these.

xxxxxxx"

22. Thus, the university was within its authority to prescribe the SGPA for each semester with respect to the grades received in 'papers' in each semester, as also the minimum CGPA at the end of all the four semesters.

23. The UGC Guidelines additionally provide as follows:



“6.1. Letter Grades and Grade Points:

.....

v. The Universities can decide on the grade or percentage of marks required to pass in a course and also the CGPA required to qualify for a degree taking into consideration the recommendations of the statutory professional councils such as AICTE, MCI, BCI, NCTE etc.,

.....

Award of Degrees and Diplomas

(a) A student shall be deemed to have completed the requirements of a programme and declared eligible for award of a Degree or Diploma, only if he has completed all the requirements specified in the University Ordinances, Examination Rules and/or the Programme and Curriculum details.

..... ”

24. Further, UGC Regulations of 2003 lay down as follows:

“6. Examination and Evaluation:

6.1 *The university shall adopt the guidelines issued by the UGC and other statutory bodies concerned from time to time in respect of conduct of examinations.*

6.2 *The units of evaluation, namely, tests, seminars, presentations, class performance, field work, thesis and the like and the weightage assigned to each of such units in respect of each course shall be determined by the appropriate academic body of the university, and shall be made known to the students at the beginning of the academic session of the year, the semester or the trimester, as the case may be.*

6.3 *The nature of final examination, whether written or oral or both, in respect of each course shall also be made known to*



the students at the beginning of the academic session.

6.4 xxx xxx xxx

6.5 *If the university follows grading system, it shall work out and adopt a table of conversion of grades into percentages and vice-versa.*

xxx xxx xxx ”

25. Undoubtedly, in terms of the requirement of the UGC Regulations, the students including the appellant herein were made known the criteria of evaluation at the beginning of the academic session.

26. At this stage, it is relevant to note the stand taken by the UGC before this Court. Learned counsel appearing for the UGC has categorically supported the passing criteria as specified by the university by referring to the UGC Guidelines, which clearly stipulate that the universities can decide on the grade or percentage of marks required to pass in a course.

27. UGC itself has prescribed in its Regulations that the universities can decide on the grade or percentage of marks that are required to pass in a course and also the CGPA required to qualify for a degree. Further, the UGC Regulations provide in clear terms that no student shall be eligible for award of the Master's degree unless they have earned the minimum number of credits prescribed by the university for the programme.

28. As per the Scheme of Evaluation of Marks and the Passing Criteria as laid down by the university, the appellant was required to obtain SGPA of 5.0 for each semester, being a postgraduate programme. She was further required to secure minimum CGPA of 6.0 at the end of final year of the postgraduate programme. Since the appellant was unable to secure the minimum qualifying grade point as set out by the university, she was not



entitled for award of degree.

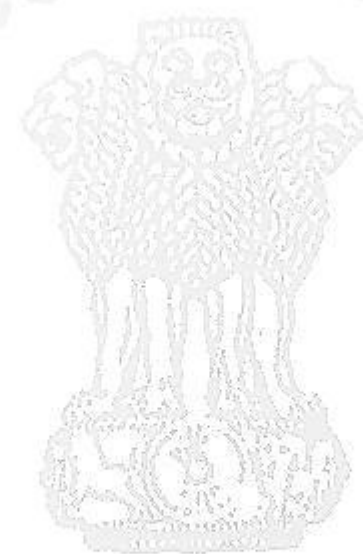
29. In view of the aforesaid detailed discussion, no infirmity is found in the judgment of the Ld. Single Judge. The present appeal is accordingly dismissed.

MINI PUSHKARNA, J

MANMOHAN, J

JULY 18, 2023

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