

Court No. - 10

Case :- WRIT - C No. - 33318 of 2023

Petitioner :- Mohd. Rashid Zafar Faridi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Syed Safdar Ali Kazmi, Mohd. Imran

Counsel for Respondent :- C.S.C., Pratik Chandra

Hon'ble Kshitij Shailendra, J.

1. Heard Syed Safdar Ali Kazmi, learned counsel for the petitioner, learned Standing Counsel for the State-respondent and Shri Saurabh Tiwari, learned counsel holding brief of Shri Pratik Chandra, learned counsel for respondent Nos. 2 to 4.

2. The submission of learned counsel for the petitioner is that the petitioner was surprised by looking at the remark "UFM NOT PROMOTED", appearing in the statement of marks concerning LL.B. Second Semester Examination and that the Authorities did not provide any opportunity of hearing to the petitioner before making such an endorsement, as a result whereof the petitioner's course is under jeopardy.

3. Shri Saurabh Tiwari, learned counsel holding brief of Shri Pratik Chandra, learned for the University submits that four pages of unfair materials were found as having being used by the petitioner in the concerned examination and, therefore, the University's decision not to promote the petitioner is perfectly justified.

4. Having heard the learned counsel for the parties, I find that the petitioner should get an opportunity to explain the allegations against him. In this view of the matter, instead of calling a counter affidavit from the respondents, the writ petition stands **disposed of** in the following terms:

(i) The respondent No. 4, the Examination Committee, Prof. Rajendra Singh (Rajju Bhaiya) University, Prayagraj is directed to issue a notice to the petitioner within a period of **ten days from today** calling upon him to explain the allegations, which the University proposes to level against him.

(ii) The petitioner shall respond to the notice by submitting a representation/explanation before respondent No. 4, Examination

Committee within a period of **two weeks from the date of receipt of notice.**

(iii) The respondent No. 4 Examination Committee, Prof. Rajendra Singh (Rajju Bhaiya) University, Prayagraj shall consider the explanation of the petitioner and shall pass appropriate order in accordance with the guidelines/regulations/norms concerning the unfair means **on or before 31.01.2024** and shall communicate the decision to the petitioner by registered post.

(iv) The consequences shall follow the decision of respondent No. 4 Examination Committee, Prof. Rajendra Singh (Rajju Bhaiya) University, Prayagraj.

Order Date :- 5.12.2023

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