

Court No. - 10

Case :- WRIT - C No. - 37142 of 2022

Petitioner :- Vaskar Nag

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Arun Kr. Soni

Counsel for Respondent :- C.S.C., Rohit Pandey, Shivanand Mishra

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Arun Kumar Soni, learned counsel for the petitioner, learned Standing counsel for the respondent no. 1 and Ms. Shambhavi Tiwari, Advocate holding brief of Shri Rohit Pandey as well as Shri Rohit Pandey himself for the respondent no. 2.

2. The petitioner took admission in four years B.Sc. Agriculture degree course in the respondent University in the year 2015-16. There is no dispute about the fact that the maximum time limit fixed for completion of the said course is six years which period ended in 2020-21.

3. The grievance of the writ petitioner is that though he cleared six semesters of the concerned course, he failed in one paper in seventh semester examination and, therefore, he had to appear in the back-paper for which purpose the present writ petition has been filed in the year 2022 seeking a writ of mandamus.

4. The submission of learned counsel for the petitioner is that the petitioner being a resident of West Bengal, could not get information about the curriculum of the concerned course and also for the spread of pandemic COVID-19. He, therefore, prays for the desired relief at this stage.

5. Learned counsel for the University on the other hand has relied upon the concerned guidelines/ordinances annexed to the counter affidavit which clearly prescribe a maximum period of six years for completion of the course and also the system of holding back-papers. There is nothing in the guidelines which may be read in favour of the petitioner or by which it can be ascertained that the authorities have any special power to extend the facility of back-paper after completion of the entire duration of the course rather there are strict stipulations in the contrary form.

6. Insofar as the submission of learned counsel for the petitioner that petitioner could not get the information being a resident of

West Bengal, I find that once the petitioner chose to take admission in the college affiliated to Kanpur University on the basis of website information, it cannot be believed that the petitioner was not aware about the ordinances or the procedure governing the concerned course.

7. Even otherwise, once I find that the petitioner failed in the concerned subject in 2018-19, filing of the writ petition in 2022 and in absence of his admission in eighth semester, no indulgence can be granted in favour of petitioner as this Court cannot stretch its power under Article 226 of the Constitution of India to re-frame the guidelines of the University and to go beyond the said guidelines.

8. The writ petition has no merit and is accordingly ***dismissed***.

Order Date :- 27.10.2023

Vipasha