



2025:DHC:853



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

%

**RESERVED ON –28.01.2025
PRONOUNCED ON –11.02.2025**

+ W.P.(C) 389/2025, CM APPL. 2006/2025

ROJALINI PARIDA

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Mr. Kamal Singh, Mr.
Saket Verma & Mr. Yogesh Kumar
Dubey, Advs.

versus

UNIVERSITY OF DELHI THROUGH ITS VICE-CHANCELLOR
& ORS.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra,
Advs. for University of Delhi.
Mr. Preet Pal Singh, Mrs. Tanupreet
Kaur, Ms. Akanksha Singh, Advs. for
Bar Council of India.

+ W.P.(C) 131/2025, CM APPL. 531/2025

HARSHIT GOPALIA

.....Petitioner

Through: Mr. Pritish Sabharwal, Ms. Shweta
Singh, Mr. Sharad Pandey, Advs.

versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra,
Advs. for University of Delhi.

+ W.P.(C) 136/2025, CM APPL. 623/2025, CM APPL. 624/2025

W.P.(C) 389/2025 & 9 other connected matters



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VISHUL KAPASIA

.....Petitioner

Through: Mr. Jai Gupta & Ms. Arunima Gupta,
Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Mr. Kamal Singh, Mr.
Hrishabh & Mr. Yogesh Kumar
Dubey, Advs.

versus

UNIVERSITY OF DELHI THROUGH ITS VICE-CHANCELLOR
& ORS. Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra,
Advs. for University of Delhi.
Mr. Preet Pal Singh, Mrs. Tanupreet
Kaur, Ms. Akanksha Singh, Advs. for
Bar Council of India.

+ W.P.(C) 387/2025

ZIMMI NAAZ

.....Petitioner

Through: Mr. Amit Kumar Diwakar, Mr. Deep
Narayan, Mr. Raj Shekhar, Mr.
Kumar Gaurav, Advs.

versus

UNIVERSITY OF DELHI & ORS. Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra,
Advs. for University of Delhi.

+ W.P.(C) 407/2025

VIKAS SANGWAN

.....Petitioner

Through: Mr. Amit Kumar Diwakar, Mr. Deep
Narayan, Mr. Raj Shekhar, Mr.
Kumar Gaurav, Advs.

W.P.(C) 389/2025 & 9 other connected matters

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versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Advs. for University of Delhi.

+ W.P.(C) 263/2025, CM APPL. 1313/2025

ANANYA BANSAL

.....Petitioner

Through: Mr. Pramod Tripathi, Adv.

versus

DELHI UNIVERSITY & ORS.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Advs. for University of Delhi.

+ W.P.(C) 277/2025, CM APPL. 1346/2025

MD SHAHABUDDIN

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam Prakash Singh, Mr. Kamal Singh, Mr. Nisar Malik & Mr. Yogesh Kumar Dubey, Advs.

versus

UNIVERSITY OF DELHI THROUGH ITS VICE-CHANCELLOR & ORS.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Advs. for University of Delhi.
Mr. Preet Pal Singh, Mrs. Tanupreet Kaur, Ms. Akanksha Singh, Advs. for Bar Council of India.



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+ W.P.(C) 294/2025, CM APPL. 1443/2025

ATIRIYA SHARMA

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Mr. Kamal Singh, Mr.
Nisar Malik & Mr. Yogesh Kumar
Dubey, Advs.

versus

UNIVERSITY OF DELHI THROUGH ITS VICE-CHANCELLOR
& ORS.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra,
Advs. for University of Delhi.
Mr. Preet Pal Singh, Mrs. Tanupreet
Kaur, Ms. Akanksha Singh, Advs. for
Bar Council of India.

+ W.P.(C) 487/2025, CM APPL. 2245/2025

MUKUL

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Mr. Kamal Singh, Mr.
Nisar Malik & Mr. Yogesh Kumar
Dubey, Advs.

versus

UNIVERSITY OF DELHI THROUGH ITS VICE-CHANCELLOR
& ORS.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra,
Advs. for University of Delhi.
Mr. Preet Pal Singh, Mrs. Tanupreet
Kaur, Ms. Akanksha Singh, Advs. for
Bar Council of India.



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+ W.P.(C) 82/2025, CM APPL. 5094/2025

YASHVARDHAN CHAUDHARY

.....Petitioner

Through: Mr. Pritish Sabharwal, Ms. Shweta Singh, Advs.

versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through: Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Advs. for University of Delhi.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA,J:

1. The present petitions have been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus or any other writ directing the Respondents to issue admit cards and allow the petitioners to appear in the individual semester examinations, which were scheduled to be held from 07.01.2025.
2. Briefly stated facts as per the petitions are that the petitioners are presently enrolled as students in different semesters (Ist/IIIrd/Vth) at the Faculty of Law, University of Delhi, where they are pursuing their Bachelor of Laws (L.L.B) degree. Respondent no.2 published a list of detained students for the reason of shortage of attendance on 04.01.2025, wherein the names of the petitioners were mentioned, and therefore, they were not issued the admit cards for the concerned semester exams. Hence, petitioners have approached this court seeking



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directions for the issuance of admit cards and liberty to sit in the examination. The necessary particulars of the petitioners debarred to appear are reproduced below in a table:-

S. N.	Case No.	Petitioner	Semester	LC	Attendance(%)*
1.	W.P.(C) 389/2025	Rojalini Parida	1 st semester	LC-I	42%
2.	W.P.(C) 131/2025	Harshit Gopalia	3 rd semester	LC-II	57.84%
3.	W.P.(C) 136/2025	Vishul Kapasias	3 rd semester	LC-II	67.54%
4.	W.P.(C) 387/2025	Zimmi Naaz	1 st semester	LC-II	54%
5.	W.P.(C) 407/2025	Vikas Sangwan	1 st semester	LC-II	68%
6.	W.P.(C) 263/2025	Ananya Bansal	3 rd semester	LC-II	54%
7.	W.P.(C) 277/2025	Md Shahabuddin	3 rd semester	LC-II	69%
8.	W.P.(C) 294/2025	Atiriya Sharma	3 rd semester	LC-I	56.58%
9.	W.P.(C) 487/2025	Mukul	3 rd semester	LC-II	61.94%
10.	W.P.(C) 82/2025	Yashvardhan Chawdhary	3 rd semester	LC-II	31.34%



* This percentage includes the remedial classes attended.

Submissions of Petitioner/Rojalini Parida

3. Learned counsel for the petitioner submitted that initially, the Law Faculty issued a date sheet which was later on withdrawn by them due to massive protests by the students highlighting the mismanagement and incomplete syllabus. Due to this protest, the Faculty of Law tried to cover up the situation and issued a schedule for the remedial classes. The petitioner attended most of the lectures of the remedial classes with full participation.
4. Learned counsel submitted that the Petitioner is a bright, intelligent student with a good academic record, and now her future is at stake due to this arbitrary decision of Respondent No. 3 to detain her for the first-semester examination. It was submitted that the Law Faculty administration hastily released the detainee list on 04.01.2025 in the late evening, which was the last working day for the administration. Learned counsel submitted that the Petitioner approached the administration and requested help but was denied. It was also submitted here that stopping the Petitioner from appearing in the examination after issuing her a valid admit card for her examination is arbitrary and illegal in itself.

Submissions of Petitioner/Harshit

5. Learned counsel for the petitioner submitted that the classes for the 3rd semester of the respondent college started from 08.08.2024, however, due to the backlogs of the petitioner, respondent no 2 did not allot the



petitioner any section in the 3rd semester stating that he shall be allotted a section only after the results are declared. Learned counsel submitted that the petitioner visited the Administrative office of respondent no 2/Faculty of Law, requesting them to allow him to attend the classes since it would affect not only his attendance but also his studies. However, officials from the Administrative office did not pay any heed to the requests of the petitioner and asked him to wait for the results to be declared.

6. Learned counsel further submitted that the results were declared by the respondents on 13.09.2024, and even after the declaration of the results, it took respondent no. 2 seven days to allot the section to the petitioner and the petitioner was allotted section 'E' on 20.09.2024. It was submitted that the petitioner attended classes with due diligence after 20.09.2024. However, despite that, the petitioner fell short of the requisite attendance mandated by the respondents. Learned counsel also submitted that from 08.08.2024 to 20.09.2024, 120 classes were held by respondents, which the petitioner could not attend merely for the reason that the respondents did not allot any section to the petitioner to study.
7. Learned counsel also submitted that a few days after the petitioner was allotted his section, the petitioner got a critically high fever, due to which he went to his hometown. It was further submitted that there were holidays for Navratri and Dasheshra in the respondent University. It was furthermore submitted that the petitioner, due to his high fever, could start attending all his classes only from November 2024 onwards.



Submissions of Petitioner/Vishul Kapasia

8. Learned counsel appearing for petitioner/Vishul submitted that the academic session for the 3rd semester started on 22.08.2024, but there were inadequate faculty (teachers), due to which the timetable could not be followed properly, and many times, the schedule for the lectures was changed without giving proper information to the students. Learned counsel submitted that the students raised this concern before the authorities many times, but there was no improvement in the situation. Learned counsel further submitted that there was complete mismanagement on the part of Respondent No. 2 and Respondent No. 3 regarding the arrangement of faculty and conducting lectures for the students.
9. Learned counsel for the petitioner submitted that the Petitioner got a good internship opportunity in October 2024, and he accepted the same for practical knowledge and skill improvement. During the internship, the petitioner was also equally vigilant towards his lectures, but Respondent No. 3 failed to hold the lectures as per the table/schedule in a proper manner, due to which the petitioner missed some lectures in October 2024.

Submissions of Petitioner/Ananya

10. Learned counsel appearing for petitioner/Ananya submitted that the respondent's denial to the petitioner from appearing in the exams is premised on an alleged non-payment of fees. However, it was further submitted that upon discovering that the petitioner's fees had not been paid, the petitioner immediately rectified the situation by making the



payment when the respondents reopened the fees portal. Following this, the petitioner was informed by the respondent that she had been “provisionally detained” and was required to attend remedial classes.

11.Learned counsel further submitted that on 22.12.2024, respondent no. 2 released a provisional detainees list notifying all the students who were unable to meet the minimum attendance criteria set by the college authorities. The Petitioner’s name was not present in the said list, which implied that the Petitioner had sufficient attendance. Learned counsel submitted that later on, in the detainee list declared on 04.01.2025, the name of the petitioner was reflected.

Submissions of Petitioner/Atriya Sharma

12.Learned counsel submitted that the academic session for the 3rd semester started on 22.08.2024, but there were inadequate faculty (teachers), due to which the timetable could not be followed properly, and many times, the schedule for the lectures was changed without giving proper information to the students. It was submitted that the students raised this concern before the authorities many times, but there was no improvement in the situation. Learned counsel submitted that there was complete mismanagement on the part of Respondent No. 2 and Respondent No. 3 regarding the arrangement of faculty and conducting lectures for the students.

13.Learned counsel further submitted that the Petitioner had some health issues during the semester, and also some of her family members were suffering from medical problems, so she missed a few classes in the present semester.



Submissions of Petitioner/Mukul

14. Learned counsel appearing for petitioner/Mukul submitted that the academic session for the third semester started on 22.08.2024, but there were inadequate faculty (teachers), due to which the timetable could not be followed properly, and many times the schedule for the lectures was changed without giving proper information to the students. It was submitted that the students raised this concern before the authorities many times, but there was no improvement in the situation. Learned counsel also submitted that there was complete mismanagement on the part of Respondent No. 2 and Respondent No. 3 regarding the arrangement of faculty and conducting lectures for the students. Learned counsel also submitted that the Petitioner was also suffering from various health issues, due to which he could not attend a few classes.
15. Learned counsel also submitted that the Faculty of Law gave an advertisement for the empanelment of guest faculties on 10.09.2024, and thereafter, the guest faculties were appointed properly in the last days of October, which caused a significant loss to the students concerning their lectures and attendance.

Submissions of Petitioner/Yashvardhan

16. Mr. Pritish Sabharwal, learned counsel for the petitioner Yashvardhan Chawdhary, has also submitted that Clause 12(d) of Ordinance VII, Delhi University, was not followed by the respondents since October 2024, which mandates the colleges to notify the students regarding



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their attendance on a monthly basis to enable the students to track their attended classes and address their grievances to the administration accordingly. It has further been submitted that Clause 12(a) of Ordinance VII, Delhi University provides that if a student of I/III/V semester does not fulfil the required attendance, but has not less than 40% of attendance, the Principal of the College may allow the student to appear in the examinations by giving an undertaking that he/she shall make up for the deficiency of attendance in the next semester. It has further been submitted that in the case of **Adarsh Raj Singh v. Bar Council of India & Ors.**¹, the petitioners sought quashing of the notification dated 07.05.2018 issued by the Faculty of Law, whereby, the petitioners have been detained from appearing in their end-semester examinations and the Court, *inter alia*, allowed the petition, while observing that while violating Rule 10 read with Rule 2(xxiii) of the BCI Rules, by not holding mandated hours of classes, the same deprives the students of a reasonable chance to attend the necessary number of classes.

17. It is submitted that in the case of **Aanya Kameshwar & Ors. v. Guru Gobind Singh Indraprastha University & Ors.**², the Court allowed the petition while confirming the interim relief granted to the petitioner vide order dated 01.06.2018, on the ground that only about 35% of classes *viz-a-viz* the requirement as prescribed in the BCI Rules, were held. It was, *inter alia*, stated that it was a clear case where the applicants were deprived of an opportunity to attend the requisite

¹ W.P.(C) 5062/2018/ (2018) SCC OnLine Del 9714

² W.P.(C) 5285/2018/ (2018) SCC OnLine Del 9388

W.P.(C) 389/2025 & 9 other connected matters



number of classes to meet the prescribed attendance criteria, since the classes they had a legitimate expectation of attending, were just not held in the first place. Furthermore, reliance has been placed upon *Courts on its own Motion In Re: Suicide committed by Sushant Rohilla, Law Student of I.P. University v.*³, wherein this Court held that mandatory attendance requirement be complemented with other opportunities for alternative learning paths for students and that voluntary attendance also contributes to a positive academic atmosphere, where students attend classes out of interest and engagement rather than compulsion. In this case, the Division Bench of this Court directed the BCI to consider reducing the baseline requirement from 70% mandatory attendance.

18. Learned counsels for the other petitioners have adopted the arguments and vehemently argued that the petitioners could not attend the classes for reasons beyond their control, which include medical and other unavoidable reasons.

19. It is pertinent to mention here that in writ petitions bearing numbers W.P.(C) 82/2025 and W.P.(C) 136/2025, interim orders were passed on 08.01.2025. In the writ petition bearing number W.P.(C) 131/2025, an interim order was passed on 09.01.2025, and in writ petitions bearing numbers W.P.(C) 263/2025, W.P.(C) 277/2025 and W.P.(C) 294/2025, interim orders were passed on 10.01.2025. During the course of the submissions, learned counsel for the petitioner submitted that their result be declared and they be promoted to the next semester.

Submissions of Respondents/Delhi University

³W.P. (CrI.) 793/2017

W.P.(C) 389/2025 & 9 other connected matters



20.Mr. Mohinder J.S. Rupal, learned counsel for the respondent/Delhi University, submitted that written submissions have been filed in W.P.(C) 136/2025, however, the same may be read in all the petitions. It is submitted that 15 weeks of lectures were put in, and the entire syllabus was completed before the commencement of the examination on 06.01.2025, and even, the remedial classes were held by the University in respective Law Centers from December 2024 to January 2025. It has further been submitted that the attendance in the remedial classes were also taken into account for calculating the attendance of each of the petitioner. It has also been submitted that the petitioner still did not succeed in getting the minimum 70% attendance in aggregate and there is no relaxation provided by the BCI Rules, which have been adopted by the University of Delhi.

21.Learned counsel for the respondent/Delhi University, submitted that the reliance placed upon the order/judgment passed in **Adarsh Raj Singh** (supra) is misplaced. It is submitted that the batch matter was taken to the Division Bench by the University of Delhi in **University of Delhi v. Adarsh Raj Singh**⁴, wherein, the Division Bench specifically clarified that the order made in this case shall not be treated as a precedent and has been passed in the peculiar facts and circumstances of the case and based on the undertaking and concession given by the University, and therefore, would be applicable only to the petitioners who were before the Court in those proceedings. It is further submitted that the Court has consistently held that the Bar Council of India Rules are mandatory, and no further relaxation can be

⁴2018 SCC OnLine Del 10781



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given than the minimum requisite attendance required. Reliance has been placed upon *S.N. Singh v. Union of India*⁵ and *G.G.S.I.P.U. v. Naincy Sagar &Anr.*⁶.

22.Learned counsel for the respondent/Delhi University submitted that the attendance position of the students is displayed on the notice board every month during the academic session. It is submitted that in a semester system, the timing of the end-semester examination is of utmost importance and any delay in holding the examinations has a cascading effect on the subsequent semesters. It is further submitted that the petitioners are the students of law who are well aware of the procedure adopted by the Faculty of Law. It is also submitted that the judgment passed in *Ankita Meena v. University of Delhi*⁷ and in *Alisha Gupta v. Guru Gobind Singh Indraprastha University*⁸ are not applicable to the facts and circumstances of the present case.

23.In regard to the W.P.(C) 82/2025 filed by petitioner Yashvardhan Chawdhary, learned counsel for the respondent/Delhi University, submitted that Clause 12(a) of Ordinance VII of the Delhi University Act, 1922 is not applicable to the LL.B. course of the Faculty of Law, University of Delhi. It is submitted that the observations made in the case of *In Re:Suicide committed by Sushant Rohilla, Law Student of I.P.U.* (supra) were merely directions to the Bar Council of India to consider reducing the baseline requirement of 70% mandatory

⁵2003 SCC OnLine Del 218

⁶2019 SCC OnLine Del 11169

⁷(2021) 16 SCC 491

⁸2020 SCC OnLine Del 648



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attendance, and no decision on the same has yet been taken by the Bar Council of India.

24. In regard to the W.P.(C) 263/2025, it is submitted that the petitioner did not meet the eligibility criteria of minimum aggregate attendance. It is submitted that the interim order to appear in the examination was passed with a specific condition that no special equities shall lie in favour of the petitioners. It is further submitted that the Division Bench of this Court, in the case of **Kiran Kumari v. University of Delhi**⁹, has *inter alia*, held that minimum attendance is mandatorily required and there cannot be any further relaxation, since the minimum percentage of lectures still give to the students to miss or abstain from the balance percentage of lectures, which a student may miss for a variety of reasons, including sickness of such other reasons beyond the student's control.

FINDINGS AND ANALYSIS

25. The High Courts, under Article 226 of the Constitution, possess a wide and discretionary power to issue writs not only for the enforcement of Fundamental Rights but also for any other purpose where a legal right is involved. However, the writ jurisdiction is an extraordinary remedy, available only under circumstances that warrant its exercise.

26. As reiterated in several landmark judgments of the Apex Court, such extraordinary power is to be exercised with utmost caution and circumspection. In **R.C. Cooper v. Union of India**¹⁰, the Apex Court *inter-alia* held that the power under Article 226 is expansive,

⁹W.P.(C) 9143/2007- Delhi High Court

¹⁰(1970) 1 SCC 191



extending beyond mere enforcement of Fundamental Rights to include any legal right under the Constitution. This broad remedial jurisdiction, however, must be exercised within the confines of legislative limitations and established legal principles. In *Bhajan Lal v. State of Punjab*¹¹, it was *inter-alia* held that the power of judicial review inherent in the writ jurisdiction must be exercised judiciously. The Apex court underscored that the extraordinary remedy provided under Article 226 is not to be resorted to as a substitute for statutory remedies or for adjudicating matters where a specialized procedure exists. Lastly, in *L. Chandra Kumar v. Union of India*¹², the Apex Court reaffirmed that the power to issue writs under Article 226 is an essential attribute of the High Court's judicial function. Keeping in mind the above decision, it is clarified that power under Article 226 cannot be ousted or curtailed by any statutory scheme and must be applied to ensure that the actions of administrative or regulatory bodies conform to the rule of law.

27. While exercising its writ jurisdiction, the Court must act with circumspection, despite the broad discretion available. The Court must also ensure that such jurisdiction is exercised within the limits permitted by law. The discretionary power under writ jurisdiction cannot be invoked in a manner that disrupts the functioning of a institution like Delhi University. It is pertinent to mention that in the writ jurisdiction, the court is primarily concerned with the decision making process then the decision itself. The power of judicial review

¹¹ AIR 1982 SC 149

¹² (1997) 3 SCC 532



can be invoked only if the court finds that there is *mala fide* or perversity in the decision making process. The court is fully conscious of the interest and welfare of the students. But the court is bound by the settled boundaries in which it has to function.

28. It is pertinent to mention here that the relief claimed in the present petitions are almost on similar grounds, i.e. to allow the petitioners to appear in the examination of the respective semesters and for either cancelling the detention list or to delete the names of the petitioners from the list published by the college/Centre. The ground of challenge in the petitions *inter alia* include; later allocation of section; Mismanagement in administration; shortage of Faculty; frequent change in time take; inability to attend classes due to good internship opportunity; not named in first detention list; shortage of attendance was not duly notified and applicability of Ordinance VIII.

29. The central question involved in the present petition is whether the Court in the writ jurisdiction can grant the relaxation of the required minimum aggregate attendance as prescribed by the Bar Council of India. It is relevant to note that the said rule is not under challenge. This question came up for consideration before the Division Bench of this Court in case titled **Guru Gobind Singh Indraprastha University v. Naincy Sagar**¹³. The Division Bench of this Court dealt with all the relevant rules and *inter-alia*, held as under:

“28. As noted above, no specific challenge has been laid by the respondents/students to the legality or validity of Clause 9.1 that prescribes a minimum attendance of 70% in the aggregate of all the courses taken together in a semester. All the same, it

¹³2019 SCC OnLine Del 11169



needs to be emphasized that an integrated LL.B. course being a professional course, students must ensure regular attendance in classes and those who do not satisfy the minimum required percentage of attendance, will be held ineligible for promotion to the next academic year. We can do no better than advert to several authoritative decisions of the Supreme Court and of the High Court on this aspect including Baldev Raj Sharma v. Bar Council of India, 1989 Supp (2) SCC 91; Bar Council of India v. Aparna Basu Mallick, (1994) 2 SCC 102; S.N. Singh v. Union of India, 106 (2003) DLJ 329; Kiran Kumari v. University of Delhi [W.P. (C) 9143/2007]; Sukriti Upadhyaya(supra) and Chaudhary Ali Zia Kabir (supra). In Kiran Kumari (supra), a Division Bench headed by Hon'ble the Chief Justice T.S. Thakur, as his Lordship then was, had expressed the following view:

*“13. In the light of the above, we find it difficult to appreciate as to how the requirements of 66% in each subject or as a condition of eligibility for appearance in the examination or the requirement of 66% attendance in the aggregate for purposes of granting the benefit of condonation in the shortfall can be said to be either illegal or arbitrary. **The decisions delivered by the Supreme Court and by this Court to which we have referred above have in our view authoritatively held that the LLB course was a professional course in which the candidates have to ensure regular attendance of lectures and those who do not attend the stipulated percentage of lectures would not even be eligible for enrolment as members of the Bar. Such being the importance given to the attendance of lectures, there is no question of the requirement stipulated by the Rules being either irrational, unconstitutional or illegal in any manner. The quality of training which a candidate gets during the time he undergoes the course is directly proportional to the number of lectures that he attends. The failure of a candidate to attend the requisite number of lectures as stipulated by the relevant rules can legitimately disentitle him to claim eligibility for appearing in the examination.***



14. That brings us to the contention vehemently urged by Mr. Mittal that insistence upon 66% lectures in the aggregate as a condition precedent for the exercise of the power of condonation was irrational, for it amounts to empowering the competent authority on the one hand and denuding him of that power on the other. We do not think so. **What is the minimum percentage of lectures which a candidate must attend in each subject or on the aggregate is a matter on which the academic bodies like the University and the Bar Council of India are entitled to take a decision. If in the opinion of the Bar Council and the University, a candidate cannot be said to have taken proper instructions or meaningfully undergone the course, unless he attends a minimum of 66% lectures in the aggregate, this Court cannot but respect that opinion. In matters relating to academics and standards of education, the Court would show deference to the opinion of the academicians unless a case of patent perversity is made out by the petitioners.** The present is not, however, one such case where the requirement of the rule can be said to be so perverse or irrational as to call for the intervention of this Court. As a matter of fact, the minimum percentage of lectures having been fixed at 66%, still gives to the students freedom to miss or abstain from 34% of the such lectures. That is a fairly large percentage of lectures which a student may miss for a variety of reasons including sickness or such other reasons beyond his control. No student can however claim that apart from 34% lectures which he is entitled to miss even without a cause, the shortage to make up 66% should be condoned if he shows good cause for the same.”

(emphasis added)

29. Drawing strength from the observations made in the captioned case and in Vandana Kandari (supra), we are of the opinion that in the instant case, even if the minimum percentage of the lectures required to be attended by the respondents/students is taken as 70%, it gives them a latitude to skip or abstain from attending 30% of the lectures, which is



a fairly large percentage. This figure of 30% could be for a variety of reasons ranging from sickness, a tragedy in the family, unforeseen circumstances or any other reasons beyond the control of a student. In the instant case, even if we exclude the period between 11.1.2019 to 08.2.2019 during which Naincy was indisposed due to health reasons, on a percentage basis, she has attended only 11.82% classes in the remainder of the 8th semester (15 classes out of 93 classes). The position is worse in the case of Prateek, who it transpires, has attended 0.97% classes in the 8th semester (2 classes out of 207 classes), spanning over five months (January, 2019 to May, 2019).

30. We are therefore of the considered view that attendance of a minimum percentage of classes prescribed in professional courses like B.A. LL.B/B.B.A. LL.B. is non-negotiable. *There is no substitute for class room teaching. Conducting classes in the institutions, is a dynamic system which keeps evolving over time. It can be said with certainty that reading books prescribed in the syllabus/curriculum alone can never be enough for imparting and imbibing knowledge, which is always a two way street. Interactive sessions of the students with their teachers during the classes has a deep and lasting effect on their intellectual growth. The cut and thrust of open house debates and discussions, questions and answers posed by the students to the teachers conducting classes and tutorials is a precursor to the experience needed by a law student when he ultimately prepares a brief and appears in Court to advance arguments. The intellect of a student evolves in this process and helps in honing his skills and attaining a higher standard of excellence, which is the underlying object of acquiring a professional degree like law. It is this discourse with their teachers and peers that is engrained forever in the heart of every student as the most cherished and enduring memory of student life. Understanding the doctrines and principles of law and going through the case law prescribed in the curriculum by referring to law books and journals in a routine manner, has its own importance but that goes hand-in-hand with the knowledge that is acquired by a student on attending classes.*



31. Thus, for the respondents/students to state that on obtaining a minimum of 50% credit score as prescribed in an academic year, they are entitled to be promoted to the next academic year notwithstanding the fact that they did not cross the threshold of the minimum attendance prescribed, is found to be untenable and liable to be rejected outright. A degree in law cannot be treated as an empty formality. A law degree encompasses all that a University stands for and is a reflection of the nature of knowledge that it has imparted to its students. The process is not about simply cramming and disgorging during the examinations. It is about assimilating, absorbing and soaking up for being imprinted permanently in the mind of a student. In this context, the condensed classes that the respondents/students are presently rushing through, in compliance of the directions issued in the impugned judgment, that are going on from 8.30AM to 4.00PM on a daily basis, till the 9th semester end term examination are conducted at the end of this month, can hardly be equated with the daily piecemeal knowledge transmitted by teachers spread over an entire academic session and assimilated slowly by the students. What is being done now, is nothing but an empty formality which is impermissible. The Court may empathize with the respondents/students who would have to take an academic break but empathy cannot translate into a positive order in their favour when the legal position is loaded against them.”

(emphasis supplied)

30.The Division Bench of this Court has very lucidly explained the importance of attendance in a professional course i.e., an L.L.B course. The petitioners have sought relief by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. However, given their own lack of diligence in adhering to the prescribed academic discipline, allowing such a remedy would set a wrong precedent by effectively rewarding non-compliance. It is



essential to maintain the integrity of the L.L.B. professional course and to ensure that students who abide by the rules are not prejudiced by a retroactive relaxation of discipline. Power under Article 226 is not a tool for granting relief in situations where there has been a manifest disregard of discipline by the students themselves. To permit such an invocation would not only undermine the integrity of the professional course but also prejudice those students who diligently observe their academic responsibilities.

31. This Court, given the consistent view being taken by this Court as indicated in the case of ***University of Delhi v. Adarsh Raj Singh*** (supra), finds that no relaxation can be granted in the writ jurisdiction in the aggregate attendance requirement. However, the Court would reiterate that the Universities/Colleges must exercise discretion in a genuine case, particularly in medical ailments and other difficult circumstances, to take a decision in the best interest of the student. It is also pertinent to mention here that in the case of ***Tripurari Kumar Jha*** (supra) while referring to the case of ***S.N. Singh*** (supra), it was, *inter-alia*, held that the judgment passed in the case of ***S.N. Singh*** (supra), did not forbid relaxation of the prescribed attendance percentage for medical reasons or other reasons beyond the student's control, provided the reasons were genuine, *albeit* in the context of granting promotion to the students. It was recorded that the Court's anguish was that relaxation had been granted without enquiring into the genuineness of the reasons proffered by the student.



32. The Court, at this juncture, would not like to interfere in the present cases. However, would like to make the following observations before dismissing the petitions: -

- i. There should be strict adherence to notifying the attendance position of each of its students for each month on the notice board of the College, and it must clearly indicate the lectures/practicals held subject-wise and the numbers attended by each student. In the era of technological advancement and in order to avoid any further objection being taken in future by the students that they were not timely notified, the University of Delhi/Faculty of Law should send such monthly attendance updates *via* e-mail along with SMS and WhatsApp to the respective students and the record/proof of such should be maintained by the University of Delhi/Faculty of Law;
- ii. The Dean of the Law, Faculty of Law, University of Delhi, in consultation with the Bar Council of India, may evolve a mechanism wherein the students within a time frame may make the representation regarding short attendance, and the authorities may take appropriate decision if such representations are found to be genuine; and
- iii. The University of Delhi and the Bar Council of India may also evolve a mechanism to enable the students to attend classes online with the appropriate safeguards and conditions. The court is conscious of the fact that in professional courses, physical attendance carries distinct values, however, the



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continuous development of the technology and Artificial Intelligence presents an opportunity to the experts to evolve effective remote learning mechanisms.

33. The Court is making the observation (i) on the premises that at the time of admission, the students must have furnished their mobile numbers and e-mail IDs. Necessary steps/directions may be given to update the data of the students, in case of any change or not being provided at the time of admission, within a month from today.
34. It is pertinent to mention that interim orders passed in connected writ petitions, were purely provisional in nature without going into the merits of the case. It is also relevant to note that such interim order certainly do not create any special equity in favour of the petitioners.
35. With the aforesaid observations, the present petitions, along with pending applications, stand dismissed.

DINESH KUMAR SHARMA, J

FEBRUARY 11, 2025

dy/AR/Pallavi/HT