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

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Date of decision: 09th September, 2015

+ W.P.(C) 8556/2015

SIDDHARTH YADAV

..... Petitioner

Through: Mr. Ashish Bhagat with Mr. Avadh
Kaushik, Advocates.

versus

SHRI RAM COLLEGE OF COMMERCE AND ANR. Respondents

Through: Mr. Amit Bansal with Mr. Akhil
Kulshrestha and Ms. Seema Dolo,
Advocates for R-1.
Mr. Mohinder J.S. Rupal, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE VED PRAKASH VAISH

VED PRAKASH VAISH, J. (ORAL)

1. By way of the present petition under Article 226 of Constitution of India the petitioner seeks directions to the respondents to update the attendance register so as to allow the petitioner to contest the Student Union Election 2015-2016 to be held on 11.09.2015.

2. Learned counsel for respondent No.1 has placed on record the counter affidavit. A copy of counter affidavit has been supplied to the counsel for the petitioner as well.

3. With the consent of learned counsel for both the parties the matter is taken up for final disposal.

4. The main grievance of the petitioner is that vide notice dated 03.09.2015, the concerned Election Officer, Principal (officiating) rejected the candidature of the petitioner on the ground of shortage of attendance.

5. Learned counsel for the petitioner submits that the attendance of the petitioner has not been properly updated by respondent No.1 and he has not been given attendance benefit on account of participation in co-curricular activities as the same is a norm followed by respondent No.1 and other colleges of respondent No.2.

6. Learned counsel for respondent No.1 submits that petitioner does not fulfil the eligibility criteria for contesting elections as he does not have the minimum required attendance of 75% during the previous four semesters i.e. Semester I-IV. He further submits that the petitioner has only 36.36% attendance (collectively) during all previous four semesters. He also submits that the college's attendance records viz. manual attendance register submitted by the teachers and electronic record which is the exact summarisation of manual record of attendance of students processed through data entry are same and there is no discrepancy therein. He further submits that the college puts notice at the end of each semester calling upon the students to point out discrepancies, if any, for correcting their internal assessments. The said notice was issued by respondent No.1 on 08.05.2015, however, the petitioner neither pointed out any discrepancy nor did he claim any benefit of attendance in view of his alleged participation in co-curricular activities in response to the said notice.

7. Learned counsel for respondent No.1 also submits that the benefit of attendance on account of participation in co-curricular activities granted by teachers during respective semesters have already been considered in terms

of which the petitioner has attended 392 classes out of a total of 1078 classes held during Semester I-IV, thereby securing 36.36% attendance. He has also pointed out that the petitioner has relied upon applications allegedly written by him to two ad-hoc teachers namely Ms. Isha Verma and Ms. Shweta Goel, requesting them for grant of benefits of attendance against his participation in some co-curricular activities during III and IV Semester which cannot be relied upon since the same was not submitted by the said teachers to the college.

8. Learned counsel for respondent No.1 has also brought on record the copy of manual attendance registers for Semesters I, II, III and IV pertaining to the petitioner. He has drawn the attention of this Court to page 57 and 58 of the Annexure R-2 (Colly.) annexed to short affidavit filed on behalf of respondent No.1 wherein the benefit of co-curricular activities have already been extended to the petitioner and his attendance has been increased. According to learned counsel for respondent No.1 the attendance of the petitioner, even after considering the benefits of co-curricular activities is 36.36% and he does not qualify the minimum eligibility criteria for the said Student Union Election.

9. Learned counsel for the petitioner has relied upon judgment of this Court in '*Heena Bahal vs. University of Delhi & Ors.*', LPA No.795/2012 decided on 19.12.2012. In the said case the appellant had challenged the records maintained by the University relating to the attendance on the ground that they were not accurate. It was observed therein that the Court would be very slow to interfere on the decision of the authority. It was also held that such a decision cannot be the subject matter of judicial review unless there has been a patent error without there being any dispute.

10. In the instant case, as per the record of respondent No.1/ college, during Semesters I-IV petitioner's attendance was 36.36% (after including the benefits of co-curricular activities) which is less than minimum required attendance of 75%. The same has not been disputed by the petitioner despite an opportunity given to him to point out any discrepancy in terms of notice dated 08.05.2015. Therefore, the aforesaid judgment of this Court is of no help to the petitioner.

11. In view of the above, this Court has no reason to dispute the attendance registers produced by respondent No.1 and as such cannot allow the petitioner to contest the Student Union Election 2015-2016. Accordingly, the petition deserves to be dismissed and the same is hereby dismissed.

C.M. Appl. No.18470/2015

The application is dismissed as infructuous.

**(VED PRAKASH VAISH)
JUDGE**

SEPTEMBER 09, 2015

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