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

% *Date of decision: 10th September, 2015*

+ W.P.(C) 8662/2015

RINKA AGGARWAL

..... Petitioner

Through: Mr.Satya Ranjan Swain with
Mr.Neeraj, Mr.Prashant Verma,
Mr.Anish Roy & Mr.A.C. Boxipatro,
Advs.

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Through: Mr.Rohit Singh, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VED PRAKASH VAISH

VED PRAKASH VAISH, J. (ORAL)

1. By way of present petition under Article 226/227 of the Constitution of India, the petitioner seeks directions to the respondents to consider the case of the petitioner and accept his nomination for the post of President of Ram Lal Anand College (hereinafter referred to as 'RLA College'), New Delhi.

2. The brief facts as set out in the present case are that the petitioner is a student of III year of BA Hindi (Hons.), RLA College, University of Delhi. The petitioner filed the nomination for contesting the Student Union Election 2015-2016 in RLA College to be held on 11.09.2015. The candidature of the petitioner was rejected on the ground of shortage of

attendance.

3. Counter affidavit of respondent No.2 has been placed on record.
4. With the consent of learned counsel for the parties, the matter is taken up for final disposal.
5. Learned counsel for the petitioner urges that the attendance of the petitioner has been wrongly calculated by respondent No.2-college and he has not been given attendance benefit on account of participation in the micro-biological study. The respondents have not followed the recommendation of LYNGDHO Committee's report.
6. Learned counsel for the petitioner further submits that the petitioner gave a representation via e-mail on 03.09.2015 to the Principal of RLA College mentioning the dates on which he had worked on the micro-biological study and requested to give benefit of attendance for the said dates. The same was rejected by Chairman, Grievance Redressal Cell.
7. Learned counsel for respondent No.2-RLA College submits that the petitioner does not fulfil the criteria for contesting the elections as he does not have the minimum attendance requirement of 75% during the previous two years. As per college records, the attendance of the petitioner for the previous two years is 73.02%. He also submits that the college attendance records are maintained in regular course, manual attendance register submitted by the teachers and electric record are the same and there is no discrepancy therein. A true copy of details of attendance of the petitioner has been placed on record with the affidavit of Mr.Narendra Kumar Pandey, Associate Professor of RLA College.

8. Mr.Rohit Singh, learned counsel for respondent No.2 submits that on the dates mentioned in the representation, no classes were held. On the said dates, either the college was closed for end of the semester or they were declared holidays, hence the petitioner is not entitled to benefit of attendance for the said dates. The petitioner has claimed the benefit of 17.02.2015, which was a holiday on account of Mahashivratri and 09.08.2015 was Sunday. The petitioner has also claimed the benefit of 20.02.2015 to 22.02.2015, but on the said dates, no classes were held.

9. Learned counsel for respondent No.2 further submits that there is no rule or guidelines for giving attendance if a candidate has done micro-biological study.

10. It is a settled law that the record of attendance maintained by the college/university is to be believed and the dispute with respect thereto cannot be the subject matter at least for adjudication in writ jurisdiction. (*see 'Heena Bahal vs. University of Delhi & Ors.'*, 197 (2013) DLT 469 (DB)).

11. In the instant case, respondent No.2 -college has placed on record the details of attendance of the petitioner during the previous two years. The attendance of the petitioner during the previous two years was 73.02% which is less than the minimum requirement attendance of 75%. The petitioner has neither disputed nor pointed out any discrepancy in the attendance register.

12. Learned counsel for the petitioner has not able to produce any rules, regulations or guidelines issued by the University or the College to show that the petitioner is entitled to the benefit of attendance for the days he

worked in micro-biological study. Moreover, respondent No.2 has placed on record copy of e-mail dated 09.09.2015 sent by the College to the University seeking information if the students involved in the innovation projects are entitled to benefit of attendance. The University/respondent No.1 sent a reply by e-mail stating that there are no guidelines regarding attendance for innovation projects 2013-2015. In such a situation, the petitioner is not entitled to any benefit of attendance.

13. For the aforementioned reasons, the petition deserves to be dismissed and the same is hereby dismissed.

(VED PRAKASH VAISH)
JUDGE

SEPTEMBER 10, 2015
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