

\$~62

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

+ **W.P.(C) 2691/2016 & C.M.No.11390/2016**

AVADHESH KUMAR

..... Petitioner

Through **Mr.Umesh Sharma, Advocate.**

Versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through **Mr.Mohinder J.S.Rupal, Advocate.**

%

Date of Decision : 28th March, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed seeking a direction to respondents to allow the petitioner to complete his LL.B. Course by appearing in the back papers even beyond the span period.

2. It has been averred in the petition that the petitioner was required to complete his LL.B. Course by 2014 i.e. within the prescribed span period. Learned counsel for petitioner states that petitioner could not complete the course within the stipulated period as he is a Central Government employee who had been transferred from one place to another. Thus according to him, non-completion of course was due to circumstances beyond petitioner's control.

3. Learned counsel for petitioner states that respondents have been granting chances to students to complete the course beyond their stipulated span period.

4. In support of his submissions, learned counsel for petitioner relies upon the judgment passed by a Co-ordinate Bench of this Court on 04th August, 2015 in ***Major Amandeep Singh Vs. University of Delhi & Anr. in W.P.(C)No. 9320/2014.***

5. This Court is of the opinion that there is a distinction between a student whose study has been interrupted due to joining the Army or a student who wants to study later in life in comparison to those students who cannot clear their exams despite repeatedly appearing in them. Since the judgment of the Coordinate Bench in ***Major Amandeep Singh*** (supra) deals with the former set of cases, it offers no assistance to the petitioners.

6. In response to a pointed query by this Court, the learned counsel for the petitioner admits that the petitioner has availed of all the attempts and appeared in all the examinations, i.e., both during the regular course as well as the span period. Consequently, the plea of petitioner that non completion of course was due to circumstances beyond his control, is factually incorrect. It is pertinent to mention that though the law course is normally to be completed within a period of three years, the petitioner has availed of the span period, i.e., six years.

7. This Court is also of the view that the petitioner's reliance on alleged similar cases is misplaced. The Supreme Court in ***Union of India & Ors. Vs. M.K.Sarkar, (2010) 2 SCC 59*** has held that Article 14

is a positive concept and cannot be enforced in a negative manner, and that if any illegality or irregularity is committed in favour of any individual or group of individuals, others cannot invoke the jurisdiction of courts for perpetuating the same irregularity or illegality in their favour also on the reasoning that they have been denied the benefits which have been illegally extended to others.

8. Consequently, this Court is of the opinion that the petitioner is not entitled to any relief. This Court while passing the order has kept in mind the fact that the petitioner is a student of a professional course and after getting a degree is bound to advise the litigants and the public at large on legal issues.

9. This Court is also of the view that every country has to try to achieve excellence and the highest academic standards. A society that tolerates too much of incompetency can never prosper. Consequently, this Court is of the opinion that education standards cannot be allowed to fall to an absolutely 'low level'.

10. Accordingly, the present writ petition and the application are dismissed.

MANMOHAN, J

MARCH 28, 2016
KA