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

+ LPA 258/2016

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Decided on: September 26, 2016

AWADESH KUMAR

..... Appellant

Through: Mr.Umesh Sharma, Adv.

Versus

DELHI UNIVERSITY & ANR

..... Respondents

Through: Mr.Mohinder J.S.Rupal, Adv. for DU.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

: **Ms.G.ROHINI, CHIEF JUSTICE (Oral)**

1. This appeal is directed against the order of the learned Single Judge dated 28.03.2016 in W.P.(C) No.2691/2016. The unsuccessful petitioner is the appellant before us.

2. The appellant/writ petitioner who could not complete the LL.B Course during the regular course and even during the prescribed span period filed the said writ petition seeking a direction to the respondents/Delhi University to allow him to complete his LL.B. course by appearing in the back papers even beyond the span period. By the order under appeal, the writ petition was dismissed by the learned Single Judge observing:

"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 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'"

3. Assailing the said order, it is contended before us that since non-completion of the Course within the stipulated period was due to the circumstances beyond the control of the appellant/writ petitioner, the respondents ought to have given a special chance to him to enable to complete his LL.B Course. In support of the said submission, the learned counsel for the appellant placed reliance upon the decision of this Court dated 04.08.2015 in **W.P.(C) No.9320/2014** titled *Major Amandeep Singh*

v. University of Delhi. However, a perusal of the order under appeal shows that the learned Single Judge distinguished *Major Amandeep Singh's* case (supra) on facts and opined that the same is of no assistance to the petitioner.

4. Having bestowed our attention to the controversy involved, we entirely agree with the conclusion of the learned Single Judge that the impugned action of the respondents in declining to grant relaxation of the span period cannot be held to be erroneous on any ground whatsoever.

5. The issue whether a student can claim any right for relaxation of the span period was considered by a Division Bench of this Court (of which one of us, Chief Justice, was a Member) in **LPA No.956/2013** and batch titled *Amit Kumar v. Delhi University & Anr.* and by judgment dated 27.11.2014, it was held:

“15. At the outset we may state that the students cannot be said to have any right to complete the course / programme to which they have sought admission, in whatever time they may deem proper, particularly when the rules of the University provide otherwise. The students having taken admission to a University, are governed by the rules and regulations thereof. They even otherwise have no right to claim that there should be no span period for completing an educational course / programme or as to what the said time period should be or whether there should be any provision of relaxation therein or not. No such right was argued by any of the counsels in spite of our specifically posing the said query. On the contrary the Universities are found to be fully empowered to lay down such span period and/or to determine whether any relaxation with respect thereto is to be given or not. The appellants/petitioner in fact have not even challenged the right of the University to so lay down the span period. The validity/vires of the Appendix II to the Ordinances of the University of Delhi or the

Ordinance 15(xv) of the Jamia Millia Islamia University, both laying down the span period, is not even challenged.”

6. The ratio laid down in the above decision is squarely applicable to the case on hand. As observed by the Division Bench, the span period which is generally found to be double the duration otherwise prescribed for the course, is the outer limit for completing the educational course. In the absence of any provision of relaxation of such span period, no right as such can be claimed by any student to allow to appear for the back papers beyond the span period.

7. Admittedly, the appellant/writ petitioner who joined the LL.B. course in the Academic Year 2008-09 and was expected to complete the course by 2013-14, failed to do so and could not complete the course even within the stipulated span period of 2 years. Therefore, the action of the respondents in declining to grant exemption from the span period cannot be held to be illegal in the light of the ratio laid down by judgment dated 27.11.2014 in the batch of appeals being **LPA No.956/2013** titled ***Amit Kumar Vs. Delhi University & Anr. and batch.***

8. The appeal is, therefore, devoid of merit and the same is accordingly dismissed.

CHIEF JUSTICE

SEPTEMBER 26, 2016
kks/‘anb’

SANGITA DHINGRA SEHGAL, J