

\$~22

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

+ W.P.(C) 3725/2017 & CM Nos.16390-91/2017

VAIBHAV BHARDWAJ

..... Petitioner

Through : Mr. Bipin Kumar Jha and Mr. K. G.
Sharma, Advs.

versus

UNIVERSITY OF DELHI AND ORS

..... Respondents

Through : Mr. Mohinder J .S. Rupal and Ms.
Disha Malhotra, Advs. for University
of Delhi/R-1.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

02.05.2017

Petitioner has prayed for quashing of Memorandum/order dated 11th April, 2017 of respondent no.1 whereby petitioner has been debarred from appearing in any examination of the University of Delhi until the Annual/Supplementary Examination B.A. (H) Geography. However, it is clarified that petitioner will be eligible to appear in the examination to be held in November-December, 2017. Petitioner has been debarred to attend classes for twelve months from the date of earlier examination, that is, of 5th Semester held in November-December, 2016. This punishment has been awarded to the petitioner since he was found carrying material/papers in the examination hall relating to the question papers. Petitioner admitted the

charge after papers were recovered from him. A show cause notice was also issued to him. In his reply petitioner admitted the charge of possessing material/paper slips relating to the question paper. Petitioner was also given personal hearing. Thereafter, punishment has been awarded. Principles of natural justice have been followed.

Learned counsel for respondent no.1 has placed reliance on the Supreme Court judgment titled as Director (Studies) Vs. Vaibhav Singh Chauhan, 2008 Vol. 14 Scale 554 to contend that no undue sympathy can be shown to the student, who has indulged in malpractices, particularly being in possession of the slips of paper relating to the relevant question paper. It is further submitted that punishment has been awarded as per the rules, that is, Ordinance X-A of the Delhi University Act, 1922.

In the above facts, I do not find any merit in this writ petition. Petitioner was in possession of the copying material. He admitted the recovery of papers from him. Show cause notice was given and reply was considered, inasmuch as personal hearing was afforded to the petitioner. Writ petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

MAY 02, 2017/dk