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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6554/2017**
MOHIT KADIAN

..... Petitioner
Through Mr.Preet Pal Singh and Ms.Swati
Jindal, Advocates.
versus

DELHI UNIVERSITY & ANR

..... Respondents
Through Mr.Amit Bansal and Ms.Seema Dolo,
Advocates for R-1.
Mr. Mr.G.K.Pathak, Advocate for
R-2.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **26.09.2017**

1 On 01.8.2017 this Court had noted the facts. Petitioner was aggrieved by the fact that during the period of time when he was performing his duties in the NCC camp (which was between 26.10.2015 to 06.11.2015) the internal examination of his B.Tech course was being conducted by respondent no.2 i.e. on 05/06.6.2015. He could not participate in this internal examination for the reason that he was in the NCC camp and he was also suffering from fever and had developed chikungunya. Learned counsel for petitioner has highlighted Ordinance VIII-E of the Delhi University/respondent no.1; the Internal Assessment of respondent no.1 as also the Internal Assessment criteria highlighted in Clause 8.1 and 8.2. Submission is that the petitioner not having able to participate in the Internal

Examination of the 4th Semester he has not been able to obtain his final decree in the B.Tech course. He has now been granted provisional admission in the Indian Naval Academy but the same will be cancelled if the degree is not produced on or before 30.9.2017.

2 By way of this petition the petitioner prays that he may be permitted to be internally assessed by the respondent in order that he could fill this gap and thus be able to obtain his B.Tech degree which would entitle him to be enrolled in the Indian Naval Academy.

3 Respondent no.1 points out that the Rules and Regulations of the respondent permit a student who has participated in the NCC camp additional time for submission of his assignment; if he is unable to appear or write his examination he may do so by his alternative mode. The relevant Ordinance VIII-E has also been extracted in the counter affidavit of respondent no.1. This option has to be exercised by the candidate before the declaration of the result of the current semester which in this case was on 02.01.2016. The petitioner had to make an appropriate application before the college (respondent no.2). No such representation has been made by the petitioner. He is thus not entitled to get his reassessment in the Internal Examination as the Ordinance of the University does not permit it.

4 Respondent no.2 has also filed a counter affidavit. It has supported the stand of the respondent no.1. It is pointed out that the petitioner had to make an appropriate representation before the respondents before the declaration of the result which he failed to do. The petitioner has approached this Court only in July, 2017 to get a clearance for his Internal Assessment in order that he could be

enrolled in Indian Naval Academy.

5 Arguments have been heard.

6 In the course of arguments, learned counsel for petitioner has highlighted a letter dated 14.6.2017 sent by respondent no.2 to respondent no.1; the relevant extract of which has been highlighted and reads herein as under:

“In view of the above, seeing his career prospectus, I request you to kindly accord the approval of the University for resubmission of Internal Assessment Marks as on time measure.”

7 Submission of the petitioner being that the respondent no.2 in fact supports the stand of respondent no.1.

8 The aforementioned letter has not been disputed by respondent no.1. Learned counsel for respondent no.1 however submits that even presuming that this letter had been sent by respondent no.2 this was only in June, 2017 (when it has been brought to the notice of respondent no.2 that the petitioner wanted to serve as a sub-lieutenant in the Indian Navy; this letter only sought a sympathetic consideration which is not permissible as per the Rules and Regulations of respondent no.1.

9 This Court notes that there is nothing on record to substantiate the submission of the petitioner that before filing of the present writ petition he had made any application to respondent no.1 or respondent no.2 wherein a re-assessment of his marks had been sought. On 06.01.2016 (Annexure P-4) i.e. four days after the declaration of his result (i.e. on 02.01.2016) he had allegedly made a representation to respondent no.2 seeking permission to resubmit his Internal

Assessment. A perusal of this application shows that it does not bear the stamp of the college. How and when this application was received has not been explained or answered by the petitioner. The contention of respondent no.2 is that such an application was never received by respondent no.2. This does appear to be the correct position.

10 Ordinance VIII-E which deals with the Internal Assessment of a candidate and Clause 8.1 and Clause 8.2 which have been highlighted (need not be reproduced) are admitted. There is no doubt that a person who has missed out his Internal Assessment on account of his participation in an extra-curricular activity of the college which would include the NCC camp may apply to the college for a re-submission of his Internal Examination. In the instant case there is nothing on record to show that the petitioner has ever made a representation to respondent no.2 seeking a re-assessment of his Internal Examination except by filing this writ petition which was in July, 2017. Submission of the petitioner that he had made an application on 06.01.2016 to respondent no.2 is not substantiated. The rules of the University not permitting the petitioner to seek a re-submission of his Internal Assessment which application necessarily has to be made before 02.01.2016 cannot now be granted this benefit.

11 Petition is without any merit. Dismissed.

INDERMEET KAUR, J

SEPTEMBER 26, 2017/ndn