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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6256/2017 & C.M. No.30216/2017**
VIJAY KUMAR KHADIA

..... Petitioner

Through Dr M.K. Gahlaut, Adv.
versus

UNIVERSITY OF DELHI AND ANR

..... Respondents

Through Mr. Mohinder J.S. Rupal, Adv for
University of Delhi.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **23.08.2017**

1 The petitioner had enrolled himself in the LLB course in the year 2011-2012 at the Delhi University. He was a student of Law Centre II, Dhaula Kuan, New Delhi. He had failed in the 3rd semester in the year 2013. He had been constrained to file W.P.(C) No.7157/2013. With the intervention of the Court, he had been permitted to appear in the 3rd semester examination of the year 2013. He was however not permitted to sit in the aforementioned examination. This was due to vendetta of the respondent. He had also not been permitted to take the supplementary examination of the year 2015-2016. By way of this petition, he is seeking that since he has a backlog and has not been able to clear his papers in the 2nd semester, 4th semester and 6th semester, he be permitted to take supplementary examination in the aforementioned semesters and thereafter to obtain a law degree.

2 Counter affidavit has not been filed. The respondent has instructions to inform this Court that admittedly the petitioner not having completed the course within 6 years (to be counted from the date of his enrolment as a LLB student) no further time can be granted as per the rules of the respondent for the petitioner to appear in any supplementary examination to clear the backlog.

3 Learned counsel for the respondent has placed reliance upon a judgment delivered by a Division Bench of this Court in LPA No.258/2016 Awadesh Kumar Vs. Delhi University & Anr wherein a similar contention was raised but the plea of the student had been repelled; the Court had noted the submission that the non-completion of the course within the stipulated period was due to circumstances beyond his control; this was not viewed sympathetically; no relaxation was granted on this count.

4 Admittedly the rules of the University is that a LLB course has to be completed within 6 years; that period of 6 years being over, the petitioner cannot be granted any further opportunity to appear in any supplementary examination. The observations of the Division Bench in this regard which are relevant to the facts of the instant case are reproduced herein as under:-

“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 LPAs No. 956/2013, 189, 210, 211, 213, 214, 215, 216, 400,401, 434, 564 & 596 all of 2014 & W.P.(C) No.5214/2013 Page 22 of 43 Ordinance 15(xv) of the Jamia Millia Islamia University, both laying down the span period, is not even challenged”.

5 Petition is without any merit. Dismissed.

INDERMEET KAUR, J

AUGUST 23, 2017

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