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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7416/2017

SAHIL SINGH RAVISH AND ANR

..... Petitioners

Through Petitioners in person.

versus

UNIVERSITY OF DELHI & ORS

..... Respondents

Through Mr.Amit Bansal and Ms.Seema Dolo,
Advocates for R-1, R-4 and R-5.
Mr.Preet Pal Singh, Advocate for
BCI.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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14.11.2017

**C.M. No.30622/2017 (exemption) & C.M.No.39664/2017
(exemption)**

Exemption is allowed subject to just exceptions. Application disposed of.

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Petitioners are students of Faculty of Law, University of Delhi. They had qualified the first semester but due to shortage of attendance they had not been permitted to take their examination for the second semester. The petitioners were constrained to file WP(C) 4101/2017 *Harshil Dabas and Ors. Vs. Bar Council of India and Ors.* This petition was later on withdrawn with liberty to get their grievance addressed. The Competent Authority allowed them to take

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their examination but their result of the second semester was withheld. A representation was made to the Department but to no avail. The petitioners were thus constrained to file the present writ petition. Submission before this Court is that the petitioners' result for the second semester be declared and the petitioners be promoted to the third semester.

Counter affidavit has been filed by the respondents. It is pointed out that even as per the own case of the petitioners they have a shortage of attendance. As per the petitioners they have 35% of attendance. Attention has been drawn to the Attendance Rules of the University which clearly provide that all students of LL.B. have to put in minimum attendance of 70%. Promotion Rules have also been highlighted. Learned counsel for the respondent rightly points out that under Promotion Rules no student can be promoted to the next terms if he or she has been detained for a shortage of attendance. The petitioners have been detained for shortage of attendance; they cannot be promoted to the next semester.

Rejoinder has been filed negating this submission.

On the perusal of the record and more importantly the Attendance Rules the stand of the respondent appears to be justified. Attendance Rules 8(a) provides as under:

“8(a) From the academic year 2014-15, all the students of LL.B. shall have to put in minimum attendance of 70% of the lectures in each of the courses as also at the moot courts, tutorials and practical training course conducted or taught in a semester for taking

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the examination.”

The Promotion Rules which are relevant for the purposes of this petition read as under:

***“Promotional Rules
(Applicable to the LL.B. course in the Faculty of Law)***

- (iv) *No student shall be promoted to the next Term, if he/she has been detained in the examination for shortage of attendance.*
- (v) *Subject to sub-rule (i) above, a student of LL.B First, Third or Fifth Term shall be eligible for promotion to Second, Fourth or Sixth Term, respectively irrespective of the number of courses in which he/she has failed to pass or failed to appear in the First, Third or Fifth Term examinations.*
- (vi) *Subject to sub-rules (i) and (ii) above, a student of LL.B. Second Term shall be eligible for promotion to Third Term if he/she has passed in at least five papers of First and Second Term examination taken together and a student of Fourth term shall be eligible of promotion to Fifth Term if he/she has passed in at least fifteen papers of First, Second, Third and Fourth Term examinations taken together.”*

These Rules stipulate that all students of LL.B. for the Academic Year 2014-2015 must have a minimum attendance of 70%. No student can be promoted to the next term if he has been detained for shortage of attendance. The riders contained in Sub Rule (ii) and (iii) have to be read subject to sub Rule (i); this is the supreme rule. This Rule provides that if there is a shortage of attendance a student cannot be promoted to the next term. Admittedly in this case the petitioners have shortage of attendance. Even as per their own case they have attendance of 35%; this is not disputed by them. This being

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the factual scenario, the Rules of Attendance do not permit promotion of the petitioner to the next semester.

The issue of attendance in the LL.B. course in the University of Delhi is no longer res integra. In 2010 (8) AD (Delhi) 385 Sukriti Upadhyay Vs. University of Delhi (when at that time the attendance requirement was 66%). The Court appreciating the previous case law laid down on this issue and noting that the candidate in that case had a 56% attendance had held that benefit of relaxation of the attendance could not be considered. The Division bench inter alia had also noted as under;

“14. Before parting with the case, we are obliged to state that the field of legal education has its own sacrosanctity. With the passage of time, the field of law is getting a larger canvas. A well organized system for imparting of education and training in law has become imperative. In a democratic society where the rule of law governs, a student of law has a role to play. Roscoe Pound has said “Law is experience developed by reason and applied continually in further experience”. A student of law has to be dedicated person as he is required to take the study of law seriously as pursuit of law does not countenance any kind of idleness. One may conceive wholesome idleness after a day’s energetic and effective work. An active mind is the mother of invention. A student prosecuting study in law, in order to become efficient in the stream of law, must completely devote to the learning and training. One should bear in mind that learning is an ornament to continuous education and education fundamentally is

how one engages himself in acquiring further knowledge every day. If a law student does not attend lectures or obtain the requisite percentage of attendance, he cannot think of taking a leap to another year of study. Mercy does not come to his aid as law requires a student to digest his experience and gradually discover his own ignorance and put a progressive step thereafter.

15. In view of the aforesaid, we perceive no error in the conclusion arrived at by the learned Single Judge and accordingly we concur with the same. Thus, the inevitable result is the dismissal of the appeal which we direct. In the facts and circumstances of the case, there shall be no order as to costs.”

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

NOVEMBER 14, 2017
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