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

+ W.P.(C) 9754/2017 & CM APPL 39704-39705/2017

MADAN KUMAR Petitioner

Through : Mr. Siddhant Rai Sethi, Adv. with
Mr. Daryl Nenezes, Adv. along with
petitioner in person

versus

UNIVERSITY OF DELHI & ANR Respondents

Through : Mrs. Avnish Ahlawat, Advocate
for NSIT.
Mr. Mohinder J. S. Rupal, Advocate
with Mr. Prang Newmai, Advocate
for Delhi University

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **03.11.2017**

Petitioner, who is a student of Bachelor of Engineering, seeks issuance of a writ of certiorari in setting aside memorandum dated 25.10.2017 issued by University of Delhi.

Petitioner is undergoing the course at Netaji Subhash Institute of Technology, Dwarka, which is arrayed as respondent No.2. It is alleged that during the examination for the sixth semester, he was caught with a calculator which had some mathematical expressions written on the back side of the cover. As per the record produced by Mr. Rupal, learned counsel for University of Delhi, such material, though relevant to the subject, was not used. Mr. Rupal, in view thereof, has no hesitation to concede to the effect that the relevant Rule attracted thereby, for punishment would be 'B', inviting punishment of cancelation of the entire exam and not 'C' inviting

cancellation of the entire examination taken by the candidate during the year and further debarring him from appearing at any examination of the University within a span period of one year (12 months). When that is so, the impugned punishment should, at the most, be in part 'B' only.

At this stage, learned counsel for the petitioner, on instructions, submits that the petitioner would be satisfied, if, the petition is disposed off construing the punishment to be in part 'B' and not part 'C', inasmuch as, the petitioner would be entitled to re-appear for the semester for which the punishment under part 'B' would stand concluded. On this, Ms. Ahlawat, learned counsel for the respondent No.2, submits that the petitioner can be permitted to appear for the next semester i.e. seventh semester and re-appear in the semester, for which the punishment awarded under Part 'B' is conceded to, if, the Rules of University of Delhi, so permit.

In the given facts and circumstances, as mutually agreed, the petition is disposed off in the said terms. It is, however, expected of the respondents, i.e., University of Delhi and Netaji Subhash Institute of Technology to immediately do the needful and permit the petitioner to appear in the exam to begin on 06.11.2017, if, he is so entitled to.

Petition stands disposed off accordingly.

Dasti under the signature of the Court Master.

A. K. CHAWLA, J

NOVEMBER 03, 2017/SRwt