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

Date of Decision- 09.02.2018.

+ W.P.(C) 1207/2018

SHIVAM YADAV

..... Petitioner

Through In-person.

versus

UNIVERSITY OF DELHI

..... Respondent

Through Mr.Prang Newmai with
Ms.Slomita Rai and Mr.Mohinder J.S.Rupal,
Advocates.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI,J (ORAL)

1. The Petitioner, who is a student pursuing B.A (Hons.) Business Economics from Aryabhatta College, Delhi University, being aggrieved by the notification dated 08.05.2017 issued by the Respondent-University introducing new guidelines governing the passing criteria for the Under-Graduate Courses under the Choice-Based Credit System, has filed the present petition under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus for quashing the impugned notification dated 08.05.2017 with a direction to the Respondent/University to declare the result of the Petitioner by applying the rules prevalent at the time of his admission in Aryabhatta College, Delhi University.

2. The facts relevant for the adjudication of the present petition are, that the Petitioner had taken admission in the course of B.A (Hons.) Business Economic in Delhi University in 2015. The Petitioner claims that as per the promotion rules of 2015 for the Under-Graduate Courses, 40% of aggregate marks was considered as the eligibility/passing criteria for promotion to the next semester. However, these rules allowed a student who appeared in an odd semester or who was eligible to appear in the odd semester examination but remained absent in any/all of the papers of the said semester, to move on to next even semester irrespective of his/her result in the said examination. However, these rules were deleted in 2015 itself as a result of the changes implemented by the University Grants Commission for introduction of a 10-point grading system known as the Choice-Based Credit System for governing the passing criteria for Under-Graduate Courses. It is contended by the Petitioner that no new rules were further disclosed to the students of the University at that time and the guidelines for this new system were notified only on 08.05.2017.

3. With the introduction of this system, the passing criteria of attaining 40% of aggregate marks in numerical value was deleted and replaced by a 10-point grading system with letter grades as per the formula prescribed by the University Grants Commission with minor changes in the computation of grade cut-off. These guidelines also laid down that a student would be eligible for promotion from first year to Second year/IIIrd Semester, provided that he/she passed 50% of

papers of Ist Semester and IInd Semester taken together and similarly for promotion from Second year to Third year/Vth Semester.

4. The petition discloses that the final exams for the Academic Session 2016-17 were held from 09.05.2017 to 24.05.2017 and the results thereof were declared on 19.07.2017 wherein the Petitioner was declared as 'failed'. After more than seven months of the result being declared, the Petitioner has filed the present petition challenging the notification dated 08.05.2017 issued by the Respondent/University.

5. The only submission raised by the Petitioner, who appears in person, is that the notification dated 08.05.2017 introducing the guidelines of the new Choice-Based Credit System, was issued only one day before the commencement of the final examinations of the Academic Session 2016-17 i.e. on 09.05.2017. He contends that the notification was made public only on 25.07.2017 i.e. after the result of the final examination of Academic Session 2016-17 had been declared on 19.07.2017. He, thus, contends that the Respondent-University applied the new rules retrospectively for the Academic Session 2016-17, whereas, these rules ought to have been applied prospectively for the Academic Session 2017-18.

6. The Petitioner contends that when some students had made complaints regarding the same to the Respondent-University, the Dean (Examinations) of the Respondent-University had, vide his reply dated 30.08.2017, informed them that the new rules had been amended and notified well before the commencement of the examinations. It was further claimed in the reply that the new rules were available on the

Delhi University website and were accessible to all the students. He, however, submits that claim made in the aforesaid letter by the Respondent-University was factually incorrect and the University had deliberately concealed the fact that the rules were uploaded after the exams.

7. On the other hand, Mr.Parang Newmai, who appears on advance notice for the Respondent/University submits that the present petition is wholly misconceived as the Petitioner having appeared for the exam and failed therein, has chosen to file the present petition after a delay of more than seven months. He further submits that the impugned notification had been issued by the Respondent/University on 08.05.2017, before the commencement of exams on 09.05.2017. He submits that the Petitioner is making factually incorrect allegations that the impugned notification was only made public on 25.07.2017. He, therefore, contends that the result was rightly declared on 19.07.2017 based on the new guidelines as per the Choice-Based Credit System issued by the Respondent-University.

8. Having considered the submissions made by the parties, I find no merit in the submissions raised by the Petitioner. The Petitioner and other students were well aware in 2015 itself that, the Choice-Based Credit System had been introduced and in any event, the guidelines had been duly notified by the Respondent/University before the commencement of the examination. It is therefore, evident that in May 2017, when the Petitioner and other students appeared in the final exams, they were well aware that the Promotion Rules on which they

are placing reliance were deleted in 2015 itself and, therefore, the plea of the petitioner that the Rules were changed retrospectively, is devoid of merit. Even otherwise, having perused the impugned notification, I find that the Respondent/University has not made any material changes in the Promotion Rules as the passing percentage of aggregate 40% marks under the unamended promotion Rules has only been replaced with the requirement of having four grade points in ten point grading system.

9. I also find merit in the submission made by learned counsel for the Respondent that the Petitioner has filed this petition after an inordinate delay of seven months, when the academic year 2017-2018 is also almost coming to an end. It is evident that the Petitioner has preferred the present petition only after realizing that he had failed and was not able to meet the criteria prescribed in the impugned guidelines.

10. For the aforesaid reasons, I find no merit in the present petition and it is accordingly dismissed with no order as to costs.

REKHA PALLI, J

FEBRUARY 09, 2018

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