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

+ W.P.(C) 8911/2015

PAWAN MATHPAL

..... Petitioner

Through
versus

Md. Azam Ansari, Advocate

UNION OF INDIA & ORS.

..... Respondents

Through

Mr. Anil Panwar, Advocate for R-1
Mr. Mohinder JS Rupal and Mr.
Prang Newmai, Advocates for DU
Mr. J.H. Jafri, Advocate for R-4

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

% **12.07.2018**

The present petition under Article 226 of the Constitution of India essentially seeks a direction in the nature of mandamus to the University of Delhi to allow the petitioner to appear in the exams, that would entitle him to the award of a BA degree, beyond the stipulated span period.

It is the position of the official respondents that granting a special chance to a student, such as the petitioner, beyond the prescribed span period is impermissible, in terms of the guidelines issued by the University Grants Commission.

In this behalf, my attention has further been invited to the decision of a Division Bench of this Court in LPA No.956/2013, titled as '*Amit Kumar vs. Delhi University & Anr.*' and in particular to para 15 thereof, which has been reproduced hereinunder:

“15.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 inspite 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 appellant/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 Ordinance 15(xv) of the Jamia Millia Islamia University, both laying down the span period, is not even challenged.”

A plain reading of the above decision reflects that allowing students to appear in examinations, beyond the prescribed span period is contrary to the rules; and no mandamus can be issued to the University to permit student to write the examination, even as a special case or a one-time measure.

In view of the foregoing, another Division Bench of this Court in LPA No.258/2016, titled as '*Awadesh Kumar vs. Delhi University & Anr.*', held that the denial by the Delhi University, to permit a similarly situated student, to write the exam as a special case beyond the prescribed span period, in the absence of any provision of

relaxation of such span period could not be faulted and did not warrant any interference by the Court.

Apart from this, the grant of prayer clause (a), as sought in the present petition, would be an exercise in futility, since the petitioner falling beyond the span period, is required by the regulations of the Delhi University to apply afresh for admission to a course culminating in a bachelors degree.

The present petition is dismissed and disposed of accordingly.

SIDDHARTH MRIDUL, J

JULY 12, 2018

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