

\$~
*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 27.04.2018

+ **W.P.(C) 10994/2017 & C.M. No.44967/2017**

AMAN SOLANKI AND ORS. Petitioners
Through Ms.Monica Kapoor, Adv.

Versus

GURU GOBIND SINGH INDRAPRSTHA UNIVERSITY
AND ORS. Respondents
Through Ms.Anita Sahani, Adv. for R-
1/GGSIP University.
Mr.Ankit Jain, Adv. for R-3.
Mr.Saurabh Ajay Gupta, Adv.
for R-4.
Mr.Rajan Chawla, Adv. for R-
7/Amity School of Engineering
& Technology.
Mr.Parmanand Pandey, Adv.
for R-8.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. Vide the present petition, the twelve Petitioners who had taken admission in different colleges which have been arrayed as Respondent nos.2 to 8, affiliated with Respondent no.1/University, have prayed for a direction to the Respondent no.1 for withdrawal of the condition whereby as per the

syllabus issued by the respondent No.1 in July, 2014, passing of certain subjects, has been made mandatory for the award of degree of B.Tech. by respondent No.1.

2. Learned counsel for the Petitioners submits that the Petitioners had taken admission in the Four Year B.Tech. Course in the year 2013 and in the normal course the same was to be completed by them, in the year 2017. She submits that when the Petitioners took admission in B. Tech. course, the awarding of B.Tech degree was only subject to the students obtaining 200 credits in the entire span of Four Year B.Tech. course and there was no mandatory requirement to pass any specific subject. She submits that after the petitioners had already completed 1st year of B.Tech. in the academic year 2013-14, the impugned condition of treating certain subjects as mandatory for award of B.Tech degree was introduced for the first time in the syllabus in July, 2014. She thus contends that the same could not be applied to the Petitioners who had taken admission prior to the introduction of the said condition in the syllabus as the imposition of the aforesaid condition to the students who had already taken admission in 2013, would be retrospective and impermissible in law.

3. Learned counsel for the petitioners submits that upon learning about the aforesaid condition from the syllabus published on the website of the University, the Petitioners had approached their respective Deans, who informed them that the changed syllabus would not be made applicable to them and

therefore there was no cause for them to challenge the same in 2014. She further submits that the aforesaid contention of the Petitioners, is borne out from the fact that their respective Deans, had duly forwarded their representations to the Respondent No.1 with favourable recommendations, not to apply the changed syllabus to the Petitioners. .

4. On the other hand, learned counsels, who appear for the respective colleges, vehemently deny that their Deans had ever assured the Petitioners that the changed syllabus as notified in July, 2014, would not be made applicable to them. The counsels submit in unison that the Deans of respondent No.2 to respondent No.8 had forwarded the Petitioner's representations to respondent no.1, only on humanitarian grounds and no assurance of any kind had ever given to them. They contend that a perusal of the petitioners' representations in itself shows, that there was no such assurance and prayer made therein was, either to drop the mandatory subject rule or to conduct a supplementary examination for the Petitioners. .

5. Ms.Anita Sahani, learned counsel for Respondent no.1 also opposes the petition and submits that the contention of the Petitioners that the aforesaid condition introduced in the syllabus in 2014, had been imposed retrospectively, is wholly misconceived. She submits that at the time of being granted admissions in B.Tech. in the year 2013, the Petitioners were given only the syllabus for the academic year 2013-14 and so there was no question of any syllabus or condition introduced in

July, 2014 being applied retrospectively to them. She further submits that the syllabus of the next academic session was finalized only in July, 2014, wherein the requirement to pass certain essential subjects was made mandatory and the same was made applicable only to the examinations to be held after July, 2014. She, thus, contends that the Respondent no.1 had acted in a most fair manner and had not imposed the aforesaid condition to the petitioners or the other students, who had taken admission in the year 2013-2014 in respect of their first year examination and had consciously applied the same to them with effect from the academic year 2014-15 only.

6. I have heard learned counsel for the parties at length. However, before I deal with the rival contentions of the parties, it would be appropriate to refer to the syllabus of the first semester as introduced in July, 2014:-

**“BACHELOR OF TECHNOLOGY
(COMMON TO ALL BRANCHES)
FIRST SEMESTER EXAMINATION**

<i>Code No.</i>	<i>Paper ID</i>	<i>Paper</i>	<i>L</i>	<i>T/P</i>	<i>Credits</i>	<i>Status</i>
THEORY PAPERS						
<i>ETMA-101</i>		<i>Applied Mathematics-I</i>	<i>3</i>	<i>1</i>	<i>4</i>	<i>M</i>
<i>ETPH-103</i>		<i>Applied Physics-I</i>	<i>2</i>	<i>1</i>	<i>3</i>	<i>M</i>
<i>ETME-105</i>		<i>Manufacturing Processes</i>	<i>3</i>	<i>0</i>	<i>3</i>	<i>M</i>
<i>ETEE-107</i>		<i>Electrical Technology</i>	<i>3</i>	<i>0</i>	<i>3</i>	<i>M</i>
<i>ETHS-109</i>		<i>Human Values</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>---</i>

		<i>and Professional Ethics-I#</i>				
<i>ETCS-111</i>		<i>Fundamentals of Computing</i>	<i>2</i>	<i>0</i>	<i>2</i>	<i>---</i>
<i>ETCH-113</i>		<i>Applied Chemistry</i>	<i>2</i>	<i>1</i>	<i>3</i>	<i>M</i>
PRACTICAL/VIVA VOCE						
<i>ETPH-151</i>		<i>Applied Physics Lab-I</i>	<i>-----</i>	<i>2</i>	<i>1</i>	
<i>ETEE-153</i>		<i>Electrical Technology Lab</i>	<i>---</i>	<i>2</i>	<i>1</i>	<i>M</i>
<i>ETME-155</i>		<i>Workshop Practice</i>	<i>---</i>	<i>3</i>	<i>2</i>	<i>M</i>
<i>ETME-157</i>		<i>Engineering Graphics Lab</i>	<i>---</i>	<i>3</i>	<i>2</i>	
<i>ETCS-157</i>		<i>Fundamentals of Computing Lab</i>	<i>---</i>	<i>2</i>	<i>1</i>	<i>---</i>
<i>ETCH-161</i>		<i>Applied Chemistry Lab</i>	<i>---</i>	<i>2</i>	<i>1</i>	<i>---</i>
		<i>NCC/NSS*#</i>	<i>---</i>	<i>---</i>	<i>---</i>	<i>---</i>
TOTAL			16	18	27	

M: Mandatory for award of degree

#NUES (Non University Examination System)

**#NCC/NCS can be completed in any one semester from Semester 1-Semester 4. It will be evaluated internally by the respective institute. The credit for this will be given after fourth Semester for the students enrolled from the session 2014-15 onwards. The camps/classes will be held either during the Weekends/Holidays or Winter/Summer Vacations.*

Scheme and Syllabi for B.Tech-ECE, 1st year (Common to all branches) w.e.f. batch 2014-15 and (2nd, 3rd & 4th years) w.e.f. batch 2013-14 approved in the 22nd BOS OF USET on 30th June, 2014 and approved in the 37th AC Sub Committee Meeting held on 10th July, 2014."

7. Upon a perusal of the aforesaid syllabus, I find the requirement to mandatorily pass certain subjects introduced in July, 2014, cannot at all be said to be retrospective as the same was applied only to the Exams held after July, 2014. In fact, it

is evident that from July, 2014 itself, the petitioners were aware that they were required to pass certain subjects declared as mandatory, besides obtaining 200 credits in B.Tech. in order to be eligible to obtain the B.Tech. degree.

8. Having also perused the various representations made by the Petitioners, I find nothing to substantiate their bald statement that the Deans of their respective colleges, had assured them that the syllabus notified in July, 2014 would not be applicable to them. On the other hand, I find that the Petitioners have neither pleaded nor placed on record any other syllabus which, according to them, was applicable to them and, therefore, I find no reason to believe the plea of the Petitioners that they were under the impression that they would not be governed by the syllabus notified in July, 2014.

9. I have also perused the note sheet dated 13th April, 2018, handed over by Ms.Anita Sahani, learned counsel for Respondent no.1, which shows that Respondent no.1 had taken a categorical decision that the said requirement of passing of certain mandatory subjects, would not be made applicable to first and second semester in the academic year 2013-14. In my considered view, the action of Respondent no.1, is fair and just and it is not at all open for this Court while exercising its power of judicial review, to interfere with the opinion of the experts as to what should be the academic standards for grant of B.Tech degree.

I am fortified in my aforesaid conclusion by the observations of the Hon'ble Supreme Court in Para 31 of its decision in the case of *University Grants Commission v. Neha Anil Bobde*, (2013) 10 SCC 519, which reads as under:-

“31. We are of the view that, in academic matters, unless there is a clear violation of statutory provisions, the regulations or the notification issued, the courts shall keep their hands off since those issues fall within the domain of the experts. This Court in University of Mysore v. C.D. Govinda Rao [AIR 1965 SC 491] , Tariq Islam v. Aligarh Muslim University [(2001) 8 SCC 546 : 2002 SCC (L&S) 1] and Rajbir Singh Dalal v. Chaudhary Devi Lal University [(2008) 9 SCC 284 : (2008) 2 SCC (L&S) 887] , has taken the view that the court shall not generally sit in appeal over the opinion expressed by the expert academic bodies and normally it is wise and safe for the courts to leave the decision of the academic experts who are more familiar with the problem they face, than the courts generally are. UGC as an expert body has been entrusted with the duty to take steps as it may think fit for the determination and maintenance of standards of teaching, examination and research in the university. For attaining the said standards, it is open to UGC to lay down any “qualifying criteria”, which has a rational nexus to the object to be achieved, that is, for maintenance of standards of teaching, examination and research. The candidates declared eligible for Lectureship may be considered for appointment as Assistant Professors in universities and colleges and the standard of such a teaching faculty has a direct nexus with the maintenance of standards of education to be imparted to the students of the universities and colleges. UGC has only implemented the opinion of

the experts by laying down the qualifying criteria, which cannot be considered as arbitrary, illegal or discriminatory or violative of Article 14 of the Constitution of India.”

10. The Respondent No.1 would be bound by their own letter dated 13th April, 2018, and should take expeditious steps to implement the same in its true letter and spirit.

11. For all the aforesaid reasons, I find no merit in the petition, the same along with pending application, is dismissed with no orders as to costs.

(REKHA PALLI)
JUDGE

APRIL 27, 2018/aa