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

Date of Decision : 08th December, 2020

+ LPA 371/2020

SYED SADIQUE RAZA Appellant

Through: Mr. M.A. Inayati, Advocate.

Versus

JAMIA MILLIA ISLAMIA & ANR. Respondents

Through: Mr. Fuzail Ahmed Ayyubi,
Standing Counsel with
Ms.Akanksha Rai, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

D.N.PATEL, Chief Justice (Oral)

The proceedings in the matter have been conducted through video conferencing.

1. This letters patent appeal has been preferred by original petitioner in W.P.(C) 8156/2020. The appellant (original petitioner) is aggrieved by the judgment and order dated 24.11.2020 passed by the learned Single Judge in W.P.(C) 8156/2020 (Annexure A-13 to the memo of this LPA). By the impugned judgment and order dated 24.11.2020, the petition preferred by this appellant praying for direction upon respondents to release the 6th Semester result of the

Petitioner and to allow him to appear for the 5th Semester examination in the light of the notification dated 30.09.2020 issued by the Respondent No.2 was dismissed, mainly for the reason that the petitioner had not attended the classes for the 5th semester for pursuing B.A.(Hons.) (History).

2. Having heard learned counsel for both the sides, and looking to the facts and circumstances of the case, it appears that this appellant is a regular student of 3rd year B.A.(Hons.) History, studying in the Department of History and Culture, Jamia Millia Islamia.

3. The attendance of this appellant (original petitioner) for 5th semester in B.A.(Hons.) (History) was 14.55%. Due to shortage of attendance, he was barred from appearing in the 5th semester examinations and was never promoted to the 6th semester.

4. This appellant has prayed for the declaration of the results of the 6th semester as he had attended the online classes and submitted all the assignments for 6th Semester. This contention cannot be accepted by this Court mainly for the reason that this student was not able pass the 5th semester examinations and therefore there is no question whatsoever for allowing the prayer of this appellant regarding declaration of result of 6th semester examination.

5. For ready reference, the copy of the attendance sheet, showing the attendance of this appellant (original petitioner) in the 5th semester of B.A.(Hons.) (History) reads as under:

“DEPARTMENT OF HISTORY & CULTURE
Attendance Register for Session Jul/2019 - Dec/2019
From 18/07/2019 to 28/11/2019

Run Date : 17/10/2020

Course		: B.A. (H) History (Semester) - V Sem.	
Admission Type		: Regular	
33	20179224	Nadeem Alam	67.60
34	20172024	Nazrul Islam	91.73
35	20177279	Nuzhat Praveen	79.35
36	20178920	Owais Mushtaq Bhat	75.80
37	20178232	Pradeep Kumar	39.46
38	20177278	Pritam Vishal	76.68
39	20171704	Reyaz Ahmad Reshi	69.83
40	20175019	Rizwanul Haque	66.93
41	20172564	Sahrish Fatima	87.45
42	20171693	Sahul Khan	73.03
43	20175088	Shahid Gulzar	72.53
44	20172727	Shahvar Bano	91.51
45	20172451	Shahzeen	87.59
46	20172039	Shamaila Shah	80.39
47	20174825	Sifat Khan	64.83
48	20174139	Srajit M Kumar	65.30
49	20171804	Swapnil	78.21
50	20173350	Syed Sadique Raza	14.55
51	20172550	Tanzila Zafar	83.87
52	20171800	Thashrif M V	85.92
53	20171770	Usman Qureshi	68.34
54	20175004	Zakia Nasim	79.28

--- End of Report ---

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Head
Department of History and
Culture
Jamia Milia Islamia
New Delhi – 110025*

(Emphasis supplied.)

6. In view of the aforesaid facts, it appears that this appellant had attended only 14.55% classes in the 5th semester, and therefore he was not allowed to appear in the examinations of 5th semester.

7. In the memo of this LPA, several reasons for not attending classes for 5th semester have been pointed out at page no. 15, paragraph (d) onwards. Looking at page no. 15, paragraph (d) onwards, this appellant is claiming that he was ill and had gone to his native place in Bihar, and thereafter, because of the situation in Delhi due to pollution and campus unrest etc., he had not attended classes. According to him, due to these events, he was not allowed to return to Delhi by his parents. These reasons have been given in paragraphs d, e, f, g, h, i, j etc. None of these contentions are helpful to the appellant. There is consistent absenteeism of this appellant in the 5th semester for one reason or another, ranging from his ill health to pollution to being disallowed to return to Delhi by his parents. Further, nothing has been pointed by this appellant at the relevant time to the respondents. Unless the 5th semester examinations are cleared, the 6th semester results cannot be allowed to be declared. In fact, it is not as if this appellant has been permitted to appear in any of the examinations of 6th semester. His attendance in online classes of 6th

semester, and submission of assignments cannot, in the backdrop of the abovenoted facts, entitle him to any relief from this Court.

8. Moreover, it appears from the facts of the case that this appellant has already been re-admitted in 5th semester as per the rules of re-admission. For ready reference, the rules of re-admission read as under:

“5. Re-admission

5.1 A student of the 1st Year/1st Semester of any course who is detained due to shortage of attendance will no longer remain a student of the University. Such a student will have to seek re-admission.

If a student of 1st Year/1st Semester of any course who fails in the Annual/Semester-end Examination or who could not take the examination for reasons other than shortage of attendance may be allowed to appear as an Ex-Student in the consecutive Annual/1st Semester-end Examination.

5.2 A student of other than 1st Year/1st Semester, who has not taken the examination due to shortage of attendance, may be given re-admission in the said class of that course in the next consecutive Year/Semester. In case, the student fails to fulfill the requirement of attendance after being given re-admission, his/her admission shall stand cancelled.”

(emphasis supplied)

9. In view of the aforesaid position of the rules of the respondents, this appellant has got re-admission in the 5th semester. This aspect of the matter has been properly appreciated by the learned Single Judge, as stated in the impugned final order dated 24.11.2020, while dismissing the writ petition being W.P.(C) 8165/2020, especially paragraph 3 onwards of the impugned order. We are in full agreement

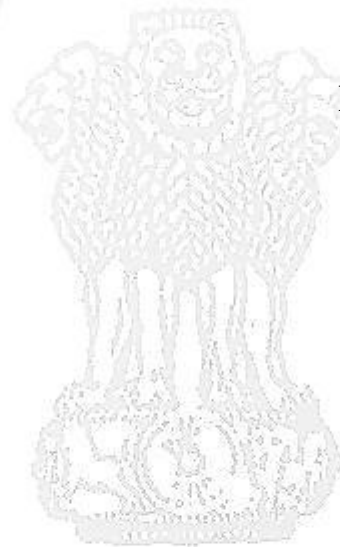
with the reasons given by the learned Single Judge in the order dated 24.11.2020. We see no reason to take any other view than that which has been taken by the learned Single Judge. Hence, there is no substance in this LPA.

10. With these observations, this LPA is dismissed.

CHIEF JUSTICE

PRATEEK JALAN, J.

DECEMBER 08, 2020
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