



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

% **Date of order: 15th September 2022**

+ **W.P.(C) 1889/2021 & CM APPL. 39998/2022**

MS VASUDHA SHUKLA Petitioner

Through: Appearance not given

versus

UNION OF INDIA & ORS Respondent

Through: Mr. Ashwarya Sinha and Ms. Shubh Sharma, Advocates for UGC.
Mr. Amitesh Kumar, Ms. Binisa Mohanty and Ms. Priti Kumari, Advocates for Amity University.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

“A. direct the respondents to award the degree of M.A.(Economics) and corresponding mark-sheet of passing the said examination.

B. allow the cost of the petition .

C. pass any other or further order or directions as may be deemed appropriate in the facts and circumstances of the case;”

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2. The petitioner is a student at the Amity University, NOIDA, M.A. Economics Course for the session 2016-18. The petitioner is before this Court seeking redressal of her grievance that she has been declared unsuccessful in her marksheet and not awarded the degree despite having secured a Cumulative Grade Point Average (hereinafter “CGPA”) of 5.48.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a bright student and has passed all four semesters of her Course with a CGPA of 5.48 and not 5.44 as has been calculated by the University. Her Earned Credit Unit is 111 out of 111 whereas the minimum credit required for passing the examination is 108. Despite her credit score and Cumulative Grade Point, her result was shown as unsuccessful.

4. It is submitted that the passing criteria for the University was as follows:-

“2.5 PASSING CRITERIA

A student has to fulfil the following conditions to pass any academic programme of the University:

a. student who has earned minimum number of credits prescribed for the concerned programme as per the Course Structure, Curriculum and Scheme of Examinations, shall be declared to have passed the programme of study. Credit Units for each programme shall be decided by the Board of Studies of each Institution and shall normally be as follows:

	<i>Minimum C.U. (Average per semester)</i>	<i>Maximum C.U. (Average per semester)</i>
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<i>Post Graduate Programmes</i>	27	30
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b) Continuous Internal Assessment

i) The weightage of End Term Examination (ETE) to Continuous Internal Assessment Evaluation (CIA) is 50-80% to 20 - 50%.

ii) The condition for qualifying separately in CIA shall not be mandatory unless specified by any statutory body.

iii) A student is required to secure minimum 30% marks to pass in End Semester Examination and minimum aggregate marks of 35% in UG and 40% in PG/Dual degree/Integrated courses to be considered 'PASS' in each course unit.

iv) The Internal assessment will be completed within the semester and the result will be forwarded to Examination Department within three days after last day of class. Students who have missed the IAE/assignments/tests will be awarded '0' marks.

v) There will be no provision for re-appearing in any component of Internal Assessment in subsequent semesters. HoIs may conduct make up tests, if required, due to valid reasons, within the same semester.

vi) The students who are unable to score passing SGPA & CGPA for award of degree/diploma by AUUP because of having obtained maximum of 5 marks in the Internal assessment in any course/courses shall be eligible to repeat the internal assessment of the relevant course/courses."

5. It is submitted that the University did not adhere to the above-



mentioned passing criteria while declaring the result of the petitioner as ‘unsuccessful’. It is submitted that the University prescribed a minimum CGPA of 6.0 at the end of the final year for qualifying the Post Graduate/ Dual Degree/Integrated Programme, which in itself was arbitrary, discriminatory, illegal and against the statutory recommendations of the UGC. It is submitted that other top universities under the UGC have never prescribed a grade point of 6 and such an action on part of the University is discriminatory.

6. *Per Contra*, learned counsel appearing on behalf of the University/respondent no. 2 opposed the contentions raised on behalf of the petitioner and submitted that there is a prescribed scheme of evaluation and grading by the University, which is in the knowledge of the students who appear for the examinations and is also printed on the back of the marksheet. The students are also completely aware of the minimum academic requirements, Semester Grade Point Average (hereinafter “SGPA”) and CGPA and hence have the knowledge of their performance and the requirements for improvement during the entire period of course in which they are enrolled. The following is the relevant passing criteria:-

“16. PASSING CRITERIA

A student has to fulfil the following conditions to pass any academic programme of the University:

- (3) *Students of both UG and PG programmes should also pass in each term / semester separately by securing a minimum Semester Grade Point Average (SGPA) of 4.5 for UG and 5.0 for PG on*



a 10 point scale.

- (4) *For successful completion of a programme, the student should secure a minimum Cumulative Grade Point Average (CGPA) of 5.0 at the end of a final year of an Under Graduate programme and of 6.0 at the end of a final year of Post Graduate programme/ Integrated Programme."*

7. Further, it is submitted that in the year 2015, the UGC vide its letter dated 15th October 2015 circulated guidelines on determination of a uniform span of period within which a student may be allowed to qualify for a degree. In the academic year 2016-17, the students were informed of the prescribed duration for completion of a programme, which was N+2 years, that is four years for the Course in which the petitioner was enrolled. So far as the petitioner is concerned, she enrolled in M.A. (Economics) in the batch of 2016-18 and had the option to complete her degree till 2020, however, she exhausted the said time period despite being informed by the University that she had alternative options after completion of N+1 (Economics). It is submitted that the petitioner failed to meet the minimum requirements for passing and hence, her result was declared as 'unsuccessful'.

8. Heard learned counsel for the parties and perused the record.

9. The Scheme of the evaluation of marks and the passing criteria has been laid out by the parties in their pleadings. As mentioned above, the petitioner was required to obtain an SGPA of 5.0 on a 10 point scale for her Course, being a Post-Graduate programme. A further requirement to be fulfilled for successful completion of the programme was a securing a minimum CGPA of 6.0 at the end of a final year of Post Graduate



programme/ Integrated Programme. The following SGPA was secured by the petitioner in different semesters:-

- *Semester I- 5.81*
- *Semester II- 4.96*
- *Semester III- 5.11*
- *Semester IV- 5.85*

As mentioned above, the petitioner did not secure the minimum SGPA required for passing Semester II, since the requirement was for 5.0 SGPA and she obtained a 4.96. She had alternate options to improve her Grade Point, however, she failed to avail and exhaust those options within the time period specified, that is an additional two years beyond the time span of the programme.

10. Further, the second requirement for successfully completing the Course was securing a CGPA of 6.0 at the end of the final semester, however, she could only achieve a 5.44, which did not meet the minimum passing criteria.

11. Every School, College, University, has the liberty and autonomy to maintain the standards it has set out for itself. Laying down an eligibility criteria for admission in different classes or passing a programme cannot be said to be arbitrary or illegal. Moreover, this discretion lies with the School/College/University or any other authority under which the said school lies.

12. In the instant matter, the University set a minimum qualifying Grade Point for the students to meet in order to pass the examinations and complete the Course they have enrolled in. As mentioned above, the respondent no. 2/University has its own passing criteria, which was 5.0
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SGPA in each semester and 6.0 CGPA at the end of final year, however, the petitioner failed to secure the requisite minimum qualifying grade. Moreover, she also failed to avail other options available to her for completing her Course within the extended time period of two years.

13. Keeping in view the submissions made on behalf of the parties as well as the contents of the petition and counter affidavit, as well as the rejoinder, this Court does not find any cogent ground or reason to allow the prayer as has been sought by the petitioner.

14. Accordingly, the instant petition is dismissed, for being devoid of merit.

15. Date already fixed stands cancelled.

16. The order be uploaded on the website forthwith.

(CHANDRA DHARI SINGH)
JUDGE

SEPTEMBER 15, 2022
gs/ms