

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

+ **W.P.(C) 8982/2019**

Date of Decision: 14.02.2023

IN THE MATTER OF:

PUSCHPENDER
S/o Shri Babu Lal
(Presently confined in
Central Jail No. 2,
Tihar, New Delhi)

..... Petitioner

Through: Mr. Krishan Kumar, Mr. Shivam
Bedi and Ms. Gargi Singh,
Advocates.

versus

DR. BHIM RAO AMBEDKAR UNIVERSITY
Through its Vice Chancellor
Paliwal Park, Park Road, Agra, U.P: 282004

.... Respondent No.1

SHRI JAGDAMBA LAW COLLEGE
Through its Principal
Foundry, Nagar, Agra

..... Respondent No. 2

STATE OF GNCT OF DELHI (PRISONS)
CH: 437, Old Chamber Block,
Delhi High Court, Delhi

..... Respondent No. 3

Through: Mr. S.N. Pandey, Advocate for R-
1.
Ms. Varsha Sharma, Advocate for
Mr. Jawahar Raja, ASC (C) for R-
3/GNCTD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner has filed the present petition seeking directions against respondent Nos.1 and 2 to allow him to appear in the re-

examination of Labour Law paper of LL.B. Final Year scheduled in the year 2018. He also prayed for fixing the liabilities on respondent No.3 for deliberate and considerable delays resulting in depriving the petitioner to appear in LL.B. final year exam for the year 2013-14, despite the orders of his custody parole by the trial court. A further prayer for directions to respondent Nos.1 and 2 to re-evaluate the Labour laws answer booklet No. 7023009 dated 30.12.2016 is also made.

2. The case of the petitioner is that in May 2011, he took admission in LL.B. 1st year, in respondent No.2-Shri Jagdamba Law College (College) which is affiliated with respondent No.1-Dr. Bhim Rao Ambedkar University (University). According to him, in June 2012, he completed his 1st year and in June 2013, he completed his 2nd year of LL.B. course and he was promoted to LL.B. 3rd year. The petitioner was taken into Judicial Custody on 25.11.2019 in connection with criminal case registered against him. The petitioner could not appear in LL.B. 3rd year examination as he was in jail.

3. The petitioner states that when he was in jail, parole was granted to him to appear in the remaining examination of LL.B. 3rd year. In February 2017, the petitioner was declared failed in the labour laws paper, he thereafter, made a request for re-evaluation of his answer booklet. Several reminders were sent by the petitioner, however, they remained ineffective. Therefore, the petitioner has approached this court.

4. Learned counsel appearing on behalf of the petitioner states that the petitioner was not allowed to appear in his 3rd year examination when the same was scheduled for the first time. He further submits that when he appeared in his 3rd year examination on parole, he attempted all his papers but could not clear the labour law paper because of the improper

evaluation of the answer booklet. He, therefore, had requested for re-evaluation of the said answer booklet.

5. According to the learned counsel appearing on behalf of the petitioner, if the petitioner is granted one more opportunity to clear his LL.B. 3rd year examination (labour law) or if his answer booklet is re-evaluated, the petitioner would be able to clear the said examination and he would acquire a degree in law.

6. Learned counsel appearing on behalf of respondent No.1- University opposed the said submission and states that the petitioner has already exhausted all chances to clear the examination and therefore, at this stage, no relief can be granted to him. He further states that firstly, the petitioner was to clear his entire course within a period of three years plus two years; secondly, a maximum of one year can further be extended at the discretion of the Vice-Chancellor.

7. Learned counsel appearing on behalf of respondent No.1- University further states that in the instant case, the petitioner took admission in the year 2011-12 and now in the year 2023-24, the petitioner cannot be granted any further opportunity to clear his examination. He further states that if the relief in the instant case is granted to the petitioner, the same would violate the Rules of the University Grants Commission (UGC) which are applicable to respondent no.1- University. He, therefore, states that the petitioner is not entitled to appear in any subsequent examination.

8. So far as the prayer with respect to the re-evaluation of the labour law paper is concerned, it is stated by learned counsel for respondent No.1 that the said prayer also cannot be accepted as the petitioner appeared as an ex-student and there is no rule applicable to the ex-

student to claim for re-evaluation. It is, therefore, submitted that no interference is called for.

9. I have heard learned counsel appearing for the parties and perused the record.

10. The facts of the case would clearly show that the petitioner took admission in the year 2011-12 to LL.B. three-year programme with respondent No.2-college, which is affiliated with respondent No.1-University.

11. According to respondent No.1-University, the petitioner appeared in Academic Session 2012-13 in the 2nd year, however, the result of the petitioner was not declared with respect to the 2nd year LL.B. examination. When the result of the petitioner with respect to the 2nd year examination was not declared, the petitioner could not have been allowed to appear in the 3rd year LL.B. examination for the Academic Session 2013-14. It is further seen that when the petitioner appeared from jail in Academic Year 2016-17 as an ex-student, he could not clear LL.B. 3rd year labour law paper.

12. It is also seen that the UGC guideline applicable to the course in question, requires candidate to complete the course within a maximum of two years apart from the normal year of the concerned course. If the said principle is applied in the instant case, the course in question is of three years and two years in addition would mean that the petitioner was to complete his course within five years.

13. Nevertheless, the Vice-Chancellor is also empowered to extend one year, even if that one year is also considered, the petitioner was required to complete the entire course by the year 2016-17.

14. In any case, for completion of the LL.B. three years degree course,

the number of opportunities cannot be granted beyond the permissible opportunities in accordance with the applicable rules and regulations.

15. Nothing has been brought on record to indicate that for ex-students also, there is a provision for re-evaluation. It is a settled law that the re-evaluation will have to be considered in accordance with the applicable rules and regulations. The re-evaluation is not the legal right of any candidate; the same has to be governed by the applicable regulations.

16. Having considered the aforesaid submissions and in view of the facts, as has been noted, this court is not inclined to issue any directions in favour of the petitioner to allow him to complete the LL.B. course while permitting him to appear in any other subsequent examination.

17. Accordingly, the instant petition stands dismissed.

FEBRUARY 14, 2023

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PURUSHAINDRA KUMAR KAURAV, J

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