



2024:DHC:4155



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 7284/2024 & CM APPL. 30436/2024****CHHAVI**

..... Petitioner

Through: Mr. Danish Aftab Chowdhury,
Adv.

versus

UNIVERSITY OF DELHI

..... Respondent

Through: Mr. Mohinder J.S. Rupal, Adv.
with Mr. Hardik Rupal, Adv**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****JUDGMENT (ORAL)**

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20.05.2024

1. This writ petition assails the following notification dated 1 April 2024 issued by the University of Delhi (DU), dealing with the Centenary Chance Special Examination Phase II, by which ex-students who had undertaken undergraduate/post-graduate/professional courses in the DU were given a *second* chance, as ex-students, to repeat the papers which they had yet to clear:

“Ref. No. Exam. VII/2024/02

Dated: 01st April, 2024**NOTIFICATION**

In accordance with the Notification No. EC Resolution No. 57 (57M2) dated 08.03.2024, all the concerned Former students (Regular, NCWEB, SOL/External Cell) of final year of Under Graduate/Post Graduate/Professional Courses who appeared earlier in Centenary chance special examination phase-I and could not complete their Degree, are hereby informed that they can register for Centenary Chance special examination phase- II *with a limit of*

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maximum of four papers. The last date examination form for Centenary Chance Special Examination Phase-II is upto 17.04.2024 (Wednesday) by 5:30 p.m.

Student may fill their examination form by using the following online student portal Link using existing old student option

https://durslt.du.ac.in/DuExamForm_CT100/StudentPortal/IndexPage.aspx

The Faculty/Department/ Colleges/Centre are requested to complete the confirmation and verification of examination forms filled by the students by 18.04.2024 (Thursday).

https://durslt.du.ac.in/DuExamForm_CT100/Login.aspx

In case of any query/discrepancy in filling of the examination form, Student may contact their exam branch.

Note:

- I. Upload the Confirmed Admit Card for Centenary Chance Special Examination.
- II. Upload the Result of Centenary Chance Special Examination.

Note:

The fee once submitted shall not be refunded under any circumstances.

Sd/-
Controller of Examinations”
(Emphasis supplied)

2. The petitioner is aggrieved by the fact that, in this second centenary chance, the students were allowed to re-attempt only a maximum of four papers.

3. What the petitioner in essence seeks to contend is that every centenary chance extended by the DU has necessarily to cover all remaining papers which a student has to clear. There can, according

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to the petitioner, be no limitation to the number of papers, and any such limitation is arbitrary.

4. It is well-settled that, in matters of academic policy, courts have to be extremely slow in interfering. The impugned notification is clearly a pure policy decision, and the decision to restrict the number of papers which can be attempted in the second centenary attempt to four is obviously a decision which is taken by the university for legitimate reasons.

5. In the opinion of this Court, unless a petitioner makes out at least a *prima facie* case of arbitrariness or invalidity of the academic policy decision under challenge, it would be hazardous for a court even to call upon the University to be answerable regarding every such policy decision. In matters of academic policy, Courts must not defer to the wisdom of the academic authorities. It is a matter of common knowledge that these decisions are taken, not by one person, but after consultation and deliberation. In many such cases, the decision may be taken after the matter travels to the highest authorities in the university.

6. I have, therefore, heard Mr. Danish Aftab Chowdhury, learned Counsel for the petitioner, to examine whether at least a *prima facie* case is made out for this Court to issue notice and call for an explanation from the DU as to why it has restricted the number of papers which could be attempted in the second centenary examination to four, by the impugned notification dated 1 April 2024.



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7. The petitioner was a student of the Campus Law Centre (CLC), from where she underwent her LLB course during the period 2009 to 2012. The course consists of six semesters with five papers being required to be attempted in each semester. A total of 30 papers is therefore, required to be attempted by each student in the LLB course. After the petitioner had cleared her sixth semester, there were 14 papers still remaining for the petitioner to clear. The petitioner had, therefore, cleared only 16 out of 30 papers during her LLB course.

8. As part of its centenary celebrations, the DU extended, *vide* notification dated 1 May 2022, an opportunity to all ex-student who had yet to clear papers in their undergraduate/post-undergraduate/professional courses to attempt, another chance to attempt the said papers. This may be referred to, for the sake of convenience, as the “First Centenary Chance”.

9. Mr. Chowdhury points out that the notification dated 1 May 2022 did not contain any restriction on the number of papers that an ex-student could attempt.

10. As already noted, at that time, the petitioner had 14 papers of her LLB course remaining to be cleared. The petitioner accordingly applied for permission to attempt all 14 papers in the First Centenary Chance. However, she attempted only 9 papers. Mr. Chowdhury’s submission is that the petitioner was orally informed by the authorities that a Second Centenary Chance was imminent, and that the petitioner

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had taken an informed decision to attempt the remaining five papers in the Second Centenary Chance.

11. There is, however, no written communication evidencing any such impression having been conveyed to the petitioner. Indeed, the Notification dated 1 May 2022, by which the First Centenary Chance was extended to ex-students did not even envisage a Second Centenary Chance.

12. Be that as it may, the petitioner attempted 9 of the 14 papers which were remaining to be cleared, in the First Centenary Chance. Out of the said 9 papers, the petitioner cleared 8. One paper, therefore, remained to be cleared.

13. After the First Centenary Chance, therefore, there were 6 papers of the petitioner's LLB course which the petitioner had yet to pass.

14. *Vide* notification dated 1 April 2024, the DU provided a Centenary Chance Special Examination Phase-II (the Second Centenary Chance), in which students were given one more attempt to clear pending papers.

15. The petitioner's grievance is that, as the students were given a chance only to attempt four papers in the second centenary examination, the petitioner would still be left with two papers to clear. Mr. Chowdhury's contention is that, as the very purpose of granting a centenary chance was to permit ex-students to clear their backlogs,

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each Centenary Chance should give an opportunity to the students to attempt *all* remaining papers.

16. The submission is obviously unacceptable.

17. The Centenary Chances were not a matter of right. Neither did any candidate, who had failed to clear all papers within the maximum span period of the course have a right to seek a further chance to clear the papers, nor did the DU have any obligation to provide any such chance. Both Centenary Chances were beneficial dispensations provided by the DU *suo motu* as it were, as part of its centenary celebrations. They were, therefore, in the nature of a benefice, not a right. The terms on which such a benefit was to be extended to ex-students were also, therefore, a matter entirely within the DU's province and exclusive discretion. There was no legally enforceable obligation on the DU to provide *any* Centenary Chance. Having decided, nonetheless, to do so, there was, again, no legal obligation on the DU to provide a *second* Centenary Chance. Again, having decided to do so, there was no legal obligation on the DU to allow *all* the papers to be re-attempted in *either* Centenary Chance. If, therefore, the DU decided to allow *all* the papers to be re-attempted in the First Centenary Chance, and restricted the Second Centenary Chance to four papers, it was no more than legitimate exercise of the discretion vested in the DU in that regard. There being no right in the petitioner to even insist on any Centenary Chance in the first place, the petitioner can certainly not plead any right to attempt all the backlog papers in either Centenary Chance.



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18. That the petitioner was given the opportunity to clear all backlog papers in the First Centenary Chance was, therefore, providential. The petitioner, for reasons best known to her, let that opportunity go abegging. It is difficult for the Court to accept Mr Chowdhury's submission that the petitioner attempted only 9 papers in the First Centenary Chance because she decided to attempt the remaining 5 papers in the Second Centenary Chance. The Second Centenary Chance, it must be remembered, arrived close to two years after the First Centenary Chance. The submission that someone orally informed the petitioner that another Centenary Chance was in the offing and that, for that reason, the petitioner decided only to attempt 9 papers in the First Centenary Chance, having applied to attempt all 14 is, therefore, a trifle difficult to digest.

19. Having taken that ill-advised decision, however, the petitioner finds herself in a *cul de sac* owing to the Second Centenary Chance being restricted to four papers. The petitioner is the architect of her own undoing. This Court cannot provide succour.

20. To repeat, the issue of the number of papers which students should be permitted to attempt in each Centenary Chance is a matter of academic discretion and academic policy. Mr. Chowdhury has not been able to show me any statutory provision, rule, regulation, guidelines or other document on the basis of which this Court could rule that every Centenary Chance should necessarily encompass all remaining papers which a student is required to clear. Indeed, the

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position that would emerge, if such an extreme argument were to be accepted, may be that there must be endless Centenary Chances, till the student clears all pending papers.

21. The petitioner had, during the tenure of her LLB course, the first attempt to clear all papers covered by the course. The second attempt to do so was made available by the notification dated 1 May 2022, providing the First Centenary Chance. If, in the Second Centenary Chance, the number of papers which a student could attempt was restricted to four, no arbitrariness or infirmity can be said to exist in the said decision. Indeed, there may be an element of public policy involved in restricting the number of papers as, otherwise, complacency may creep in, with the students being reassured that they would have another bite at the cherry.

22. To be fair to him, Mr. Chowdhury does not base his claim on any binding provision, rule, regulation, guidelines or other document. His submission is that restricting the number of papers that the candidate can attempt goes against the ethos of a Centenary Chance, which is essentially intended to enable ex-students to clear their backlog.

23. Had a Centenary Chance been a matter of right, the submission might have warranted greater consideration. Unfortunately, the decision to grant a Centenary Chance, and the terms in which such chance is to be granted, are matters which belong to the realm of pure academic policy.

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24. No *prima facie* case of arbitrariness or invalidity of such policy has been made out either in the writ petition or during the course of oral arguments.

25. In such matters, this Court is of the view that even issuing of notice must be circumspect. If academic bodies are made answerable to the court regarding every policy decision that they take, it would severely affect their autonomy and freedom of administration.

26. In these circumstances, I do not feel that a case for issuance of notice is made out in the present case.

27. The writ petition is dismissed in *limine* with no order as to costs.

C. HARI SHANKAR, J.

MAY 20, 2024

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[Click here to check corrigendum, if any](#)