



\$~97

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

+ **W.P.(C) 1686/2025 & CM APPL. 27113/2025**

PRATEEK VYAS

.....Petitioner

Through: Mr. Sameer Chandra, Mr. Aryan Tomar and Mr. Shubham Parashar, Advs.

versus

UNIVERSITY OF DELHI AND ORS

.....Respondents

Through: Mr. Ankur Chhibber and Mr. Anshuman Mehrotra, Advs. for R-1 & 3 to 8.

Mr. Amit Gupta, SPC with Mr. Vidur Dwivedi, Mr. Atik Gill and Mr. Karan Rawal, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

12.08.2025

1. The present petition was filed by petitioner in February 2025 seeking following reliefs:

“i) *Allow the writ petition and issue a writ of mandamus or any other appropriate writ, order or direction, pending admission, hearing and final disposal of this petition, to set aside/quash the rule mentioned below-*

"(ii) Second Year: Only those candidates who have perused a regular prescribed course of study for the second Academic year will be allowed to appear in the Annual Examination of second year. The candidate will be promoted from second year to third year only when he/she is declared to have passed the



examinations in at least three theory subjects and all the practicals of second year. The candidate will have to pass the examinations in the subjects in which he/she fails in Supplementary and subsequent annual examination. If he/she fails in the Supplementary Examination he/she will not be allowed to continue in the third year.’ (Refer ANNEXURE P-7) Which is in contravention to the rule dated 08.12.2023 that is:-

*“the paper/s shown under the result column indicates that the **candidate is eligible for promotion to the 3rd year class and to reappear in the said paper along with the paper/s of Part-III (3rd Year) Examination**”. (Refer ANNEXURE P-2) in the interest of justice; and*

- ii) Direct the respondent no. 1 to permit the petitioner to appear in the supplementary examination of all subjects of 3rd year to be conducted by the respondent no. 1 scheduled to be starting in February, 2025 and the same be treated as annual examination or to conduct special examination for the petitioner for the purpose of promotion of the petitioner to 4th year and without losing an academic year in the interest of justice; and*
- iii) The petitioner be allowed to study in the 4th year and without losing an academic year of the course Bachelor of Occupational Therapy (B.O.T.), subject to clearance of examination of year in the interest of justice;*
- iv) Direct the respondent no. 1 to hasten the process of result declaration and declare the result within 15 days from the end of 3rd year examination (supplementary) scheduled to be conducted in February, 2025.”*

2. The case set out in the present petition is that petitioner is a student who is pursuing Bachelors of Occupational Therapy (B.O.T) in respondent no.2/college i.e. Pandit Deendayal Upadhyaya National Institute for Persons with Physical Disabilities, which is an institute affiliated with respondent no.1/University of Delhi. It is a 4½ years course and



examinations for the same are conducted on yearly basis at the end of each academic year as per the university calendar.

3. The petitioner appeared in his second year annual examination in the month of July–August 2023 and result of the same was declared on 08.12.2023 in which petitioner failed in two subjects viz., (i) Biomechanics & Kinesiology, and (ii) Orthopaedics.

4. The petitioner, however, was declared pass in Orthopaedics in supplementary examination held in the month of March 2024 but again failed in Biomechanics & Kinesiology. The petitioner again took the exam for the subject Biomechanics & Kinesiology in the annual examinations held in August 2024 and was declared pass in the said subject on 25.11.2024.

5. In the meanwhile, third year annual examination was also scheduled in July–August 2024, however, petitioner was not issued the admit card for the same having regard to Rule 5(a) sub-clause (ii) of ‘University of Delhi Scheme of Examination’, which provides that in case any candidate fails in supplementary examination, he/she will not be allowed to continue in the third year.

6. Subsequently, when the supplementary exam for third year was scheduled in February 2025, the petitioner was again not issued admit card.

7. In above backdrop, the petitioner was constrained to file the present petition in February 2025. This Court *vide* order dated 21.02.2025 allowed the petitioner to appear in the supplementary theory and practical examinations of third year, which were commencing from 27.02.2025. It was further directed that result of the said examination shall be kept in a sealed cover.

8. Accordingly, petitioner took the exam of the third year. The result of



third year pertaining to petitioner has been placed before this Court in a sealed cover. The sealed cover was opened and perusal of the result shows that petitioner has scored 406 out of 700 marks, which is more than the requisite passing marks of 50%. However, the result of petitioner has not been formally declared by respondent no.1/University of Delhi.

9. As the position stands now, the petitioner has already been declared pass in second year, and he has scored passing marks in third year examination as well.

10. However, it was urged by Mr. Sameer Chandra, learned counsel appearing on behalf of that petitioner that though fourth year examination has already concluded, the petitioner may be allowed to sit in supplementary exams of fourth year, which prayer was opposed by Mr. Ankur Chhibber, on the ground that the petitioner had not attended the classes of fourth year and 75% attendance is required both in theory and practical subjects before a candidate could be allowed to take exams.

11. The court had thus, asked Mr. Chhibber to seek instructions as to whether petitioner can be allowed to take classes of fourth year in the academic session commencing from August–September 2025 and thereafter permitted to take fourth year examination at the end of said academic session.

12. After obtaining instructions, Mr. Chhibber submits that respondent no.1/University of Delhi has agreed to allow the petitioner to attend classes of fourth year with the session commencing from August–September 2025 subject to declaration of his result of third year by respondent no.1/University of Delhi.

13. Likewise, Mr. Amit Gupta, learned counsel appearing on behalf of



respondent no.2/college, submits that apart from attending classes, the petitioner is also expected to undergo 300 hours of clinical training in seven different units of the department.

14. Mr. Chandra, on instructions, submits that the above proposal is acceptable to the petitioner.

15. In above circumstances, the petition is allowed with the following directions:

- i. Respondent no.1/University of Delhi is directed to declare petitioner's result of third year, within one week from today;
- ii. The respondents shall allow the petitioner to attend the classes of fourth year in the academic session commencing from August–September, 2025.
- iii. The petitioner shall undergo 300 hours of clinical training as required under the rules.

16. It is clarified that the present order has been passed under the peculiar facts and circumstances of the present case and it shall not be treated as precedent.

17. The petition along with pending application, stands disposed of in the above terms.

VIKAS MAHAJAN, J

AUGUST 12, 2025

aj