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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5013/2025**
SH JAI NINDRA

.....Petitioner

Through: Mr. Gaganmeet Singh Sachdeva, Mr.
Harshpreet Singh Chadha, Mr. Hridyesh Khanna,
Ms. Ashraya Srivastava, Adv.

versus

CHHOTU RAM RURAL INSTITUTE OF TECHNOLOGY & ORS.

.....Respondents

Through: Mr. KC Mittal, Mr Yugansh Mittal,
Adv. for R1
Ms. Khushboo Mittal, Adv. For Mr. Sameer
Vashisht, Standing Counsel (Civil), GNCTD with
Mr. B.S. Rawat, CI, DTTE for R2-4

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
07.01.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking directions to the respondents to declare the result of the improvement/reappear examination conducted on 07.02.2022.
2. The brief facts of the case are that the petitioner is an Electrical Engineering (3-year Polytechnic Diploma course) student of the respondent No.1 College, namely Chhotu Ram Rural Institute of Technology. The respondent No.1 is a college affiliated to the



respondent No.2, i.e., Board of Technical Education (BTE), the respondent No.3 is the Directorate of Training and Technical Education, who is responsible for implementing and evaluating the policies related to technical/vocational education, the respondent No. 4 is Government of NCT of Delhi i.e. the governing body of respondent Nos. 2 and 3.

3. In the year 2016, the petitioner took admission in Electrical Engineering Course through the Common Entrance Test (CET) 2016. From the first year i.e. 2016 till 2019, the petitioner continued to qualify all the concerned exams except for one subject held in January 2019. The respondent No.1 issued a certificate dated 20.08.2019, wherein it was stated that the petitioner cleared all his exams except for one exam of the subject Electronic Devices, Circuits-I & App-I.
4. Thereafter, the petitioner appeared in the improvement/reappear examination conducted on 07.02.2022 by the respondent No. 1. Subsequently, the respondent No. 2 *vide* Office Order dated 14.12.2022 cancelled the exam undertaken by the petitioner.
5. Ms. Mittal, learned counsel for the respondent Nos. 2 and 3, states that the petitioner was ineligible to appear in the exam. She draws my attention to paragraphs 6 and 7 of the counter affidavit, which reads as under:

“6. That during the COVID-19 pandemic, as per Office Order dated 04.12.2020 issued by the then Controller, BTE, examinations were permitted to be conducted at the institute level for odd semesters. However, the Petitioner did not appear in this examination conducted by the Institute (CRRIT). The said examination constituted petitioner's last



permissible attempt under the applicable compendium and rules. Copy of the Office Order dated 04.12.2020 is annexed herein as ANNEXURE-R-2. and Copy of the Compendium is annexed herein as ANNEXURE R-3.

7. That subsequently, vide Office Order dated 03.11.2021 and related Circulars dated 07.12.2021 and 30.12.2021, institutes were again directed to conduct examinations at their own level. However, the Petitioner, having already exhausted the course duration and the two-year extension period allowed under the rules, was not eligible to appear in those examinations. Copy of the office order dated 03.11.2021 is annexed herein as ANNEXURE-R-4. Copy of the circular dated 07.12.2021 is annexed herein as ANNEXURE R-5 and copy of circular dated 30.12.2021 is annexed herein as ANNEXURE R-6.”

6. Further, she draws my attention to paragraph 16.5 of the Compendium, which reads as under:

“16.5 A student admitted to any diploma course will be required to complete the Diploma within a period of not exceeding two years plus the course duration. This period shall be irrespective of any reason for not taking the examination of the Board, or, detention on the basis of shortage of attendance/sessional or cancellation/disqualification from exam, for adopting the unfair means. No extension beyond the prescribed period will be permissible and the student will not be allowed to take any



examination of the Board beyond this prescribed period.”

7. She also states that in view of the rules and regulations governing the conduct of diploma-level technical education, the petitioner could not be permitted to take the exam after June 2021 as both the course duration and the additional two year period are over.
8. I have heard the learned counsels of the parties.
9. The respondent Nos. 5 and 6 have no role to play in the present petition. Accordingly, the names of respondent Nos. 5 and 6 stands deleted.
10. The notification dated 04.12.2020 is of relevance and is reproduced hereunder:



GOVERNMENT OF NCT OF DELHI
BOARD OF TECHNICAL EDUCATION
MUNI MAYA RAM MARG
PATAMPURA, DELHI-110088
PH: - 01127322460



No. F.5(89)/91-Aca/BTE/Vol-III/Part File-3/1322-1329

DATED: 04/12/2020

NOTIFICATION

Reference: Regarding Examination for Odd Semester (I/II/V/VII) Dec/Jan/Feb-2020-21 in view of Covid-19.

It is hereby notified for information of all concerned Institutes/Polytechnics & students that in view of Covid-19 pandemic, Odd Semester Examinations for I/II/V/VII Semester-2020-21 scheduled to be conducted w.e.f. 05/12/2020 for V/VII semester, 05/01/2021 for III semester & 09/02/2021 for I semester are hereby cancelled.

Further, it has now been decided that:-

- i) The BTE examinations for Odd semester-2020-21 are cancelled and the regular students of III/V/VII semester will be promoted on the basis of internal assessment (50% credit) and their previous year's performance in end-semester BTE examination (50% credit) as per UGC guidelines.
- ii) Students having back/compartement in any of the previous Odd semester will have to clear the said examination whenever the examinations are held for the same in future by the concerned institute.
- iii) Students who wishes to improve his/her result in any of the subject for the current odd semester under promotion criteria can opt to appear in the examination, whenever they are held in future.
- iv) The examinations for both the back/compartement students for Odd semester-2020 and for Even semester final term/year or ex-students who were not able to appear in Sep/Oct-2020 examinations held in the institutes/polytechnics due to Covid-19 situations will be held at the home institutes of the students and shall be conducted by the Principals of the concerned Institutes at their own discretion keeping in view of Covid-19 situations.
- v) The examinations for both back/compartement students of Odd semester-2020 and for Even semester final term/year or ex-students who were not able to appear in Sep/Oct-2020 examinations due to Covid-19 situations will be held at home institute of the students and for this paper setting, checking of answer sheets shall also be done at the institute level. Only award sheets for result preparation shall be forwarded to BTE. Further, no remuneration shall be paid for paper setting, moderation & translation of question papers to the faculty of institutes for these examinations.
- vi) The standard operating procedure (SOP) for conduct of examination shall be followed by each and every institute/polytechnic as & when examinations for back/compartement students are conducted. Social distancing, wearing of face mask, sanitization of the rooms and other areas along with other guidelines issued by competent authorities of GOI/GNCTD shall be followed by all the institutes.
- vii) The examination centres of BSF Polytechnic & VMHC will be Aditya IT & MBIT respectively for conduct of examinations for both back/compartement students of Odd semester-2020 and for Even semester final term/year or ex-students who were not able to appear in Sep/Oct-2020 examinations held in the institutes/polytechnics due to Covid-19 situations. Accordingly, Principal, MBIT & Aditya IT shall inform regarding date sheet of examinations to VMHC & BSF Polytechnic respectively.
- viii) The institutes/polytechnics shall allow the Examination Form fees submission for the students till commencement of the examination as per institute date sheet.

This issues with the prior approval of competent authority.

(Dr. S.L. BHANDARKAR)
CONTROLLER, BTE

Copy for information to:-

1. Principals, All Govt./Govt. Aided/Pvt. Institutes of Technology/Polytechnics.
2. JD(P), TTE
3. DD(Academics), TTE
4. Registrar, BTE
5. SA, TTE with the request to upload the same on department website.
6. PS to Pr. Secretary, TTE
7. PS to Director, TTE
8. PA to Jt. Director, TTE

TRUE COPY

(Dr. S.L. BHANDARKAR)
CONTROLLER, BTE



- 16.3 All failed candidates of the annual examination will be allowed to take the Supplementary Examination in all subjects as "reappear" candidates. In their case only the marks secured by them in Project work, if any and sessional will be carried forward for the supplementary examinations. They will also have to fulfill all conditions of rule 12 to pass in the particular examination.

Note:- Reference notification No.F.8.(4) 75-BTE dated 29.04.76 supplementary Examinations have been scrapped and replaced by Compartment Examination for the students placed in compartment in the semester/annual examination.

- 16.4 A candidate who fails in not more than two subjects in 1st or 2nd year of three year diploma course or 1st year of two year course (Annual Pattern), is eligible to appear in the compartmental examination as well as in the annual examination. However, he / she will also be eligible for promotion to next higher class with following conditions: -

- 16.4.1 Such candidates will have to clear the subjects (in which he has failed) in the subsequent Annual Compartmental Examination, securing the prescribed minimum aggregate marks.

Applicable w.e.f. the Board examination of the academic session 1985-86 for all diploma courses except for Pharmacy. (Board's decision dated 4 December 1986).

- 16.4.2 The examination result of the next higher class of such candidates will be declared only after passing the papers/subjects of examination of preceding class.

- 16.4.3 If such a candidate fails in the subsequent Annual/Compartmental examination, he shall appear as an Ex-student unless he is otherwise allowed by the Head of the Institution to under go the studies as a regular student in the subject/class in which he has failed.

(The above rules are effective from the examination of the year 1978 for all Diploma/post Diploma Courses).

CLARIFICATION:- In the light of the above rules, it is clarified that the students promoted to next higher class as per rule 16.4 can take their second chance of examination (in case of failure/compartment) of the next higher class only after they have passed all the subjects of the preceding class. This is necessary because the results of higher class examination will be declared only after they have passed the examination of the preceding class completely.

- 16.5 A student admitted to any diploma course will be required to complete the Diploma within a period of not exceeding two years plus the course duration. This period shall be irrespective of any reason for not taking the examination of the Board, or, detention on the basis of shortage of attendance/sessional or cancellation/disqualification from exam., for adopting the unfair means. No extension beyond the prescribed period will be permissible and the student will not be allowed to take any examination of the Board beyond this prescribed period.



11. A perusal of the abovementioned notification shows that the respondent No. 2, was fully aware of Covid-19 pandemic and its catastrophic effects. The whole country as well as the world was struggling with the aftermath of the Covid-19. A perusal of clause 4 of the notification shows that the students for both odd and even semester, who were not able to appear in the September-October 2020 Examination, were permitted to appear in the examination, to be held by the home institutions at the discretion of the concerned principals.
12. The notification was primarily based on the ground that during Covid-19 pandemic, there were restrictions on movements, contact and exposure. Based on the notification dated 04.12.2020, the respondent No.1 conducted the examination on 07.02.2022, in which the petitioner duly participated.
13. In view of the extraordinary situation created by the Covid-19 pandemic, the petitioner is not at fault if no examination were held in September-October 2020.
14. Also, the counter-affidavit of the respondent No. 1 is totally silent if any exam was held pursuant to the notification dated 04.12.2020 prior to 07.02.2022.
15. The petitioner must be given the benefit of the notification dated 04.12.2020 in the absence of any material before the Court to show that any exam was held prior to 07.02.2022, in pursuance of the aforementioned notification.
16. In view of the notification dated 04.12.2020, the result of the petitioner needs to be declared expeditiously and not later than 4 weeks from



today.

17. The order passed is particular to the facts of the present case.
18. The counter-affidavit handed over in Court today is taken on record.
19. The petition is disposed of in aforesaid terms.
20. Next date of hearing i.e. 21.01.2026, stands cancelled.

JANUARY 7, 2026 / (MS)

JASMEET SINGH, J