



\$~61-66,86-88,91-108

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

Date of Decision: 15.01.2026

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71347/2025
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MEMO OF APPEARANCE:



PETITIONER(S):

Mr. Shivek Rai Kapoor, Mr. Vansh Bajaj, Mr. Ayush Verma, Mr. Nishant Shrama and Mr. Vishal Jaswal, Advs in item 94
Mr. Abhay Kumar, Mr. Nirbhay Kumar, Mr. Aditya Soni, Mr. Arun Kumar Yadav, Mr. Anupam Mishra, Mr. Aman Ranjan, Ms. Pooja Singh, Mr. Jay Prakash Vidyarthi, Adv. in item 88
Mr. Raman Kapur, Sr Adv with Mr. Kunal Sharma, Ms. Mehaq Rao, Mr. Yash Punjabi, Mr. Puneet Rathore, Mr. Himanshu Sharma & Mr. Himanshu Maru, Advs. in item No. 91 & 106
Mr. Akshay Kumar, Adv. in item 107
Mr. Saurabh Kirpal, Sr. Adv with Mr. Junaid Aamir, Adv in item 61,64,65,66
Mr. Ayush Tiwari, Adv. in item 63
Mr Abhijeet Vikram Singh, Adv & Mr Kshitij Chhabra, Adv in item 102
Mr. Siddhant Soti, Adv, in item 86
Mr. Rajnish Kumar, Advocate. Mr. Umesh Kumar, Advocate. Mr. Shantanu Sagar, Advocate in item 87
Mr. Junaid Aamir, Mr. Raghav Bhatia, Advs in item 95-100,108
Mr F A Ayyubi ; Ms Akanksha Rai ; Ms Gurneet Kaur ; Mr Satvik, Advs. in item 92,93,104,105
Mr Sacchin Puri and Ms Kirti Madan, Advs. in item 103
Mr. Kamal Mohan Gupta, Ms. Mehraj Hakim Ali, Ms. Urvi Gupta, Mr. Amber Shehbaz Ansari, Ms. Kritika Verma, Advs. in item 62

RESPONDENT(S):

Mr. Mohinder Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Ms. Tripta Sharma, Advs. in all matters for University of Delhi
Mr. Ved Prakash Sharma, Mr. Preet Pal Singh, Ms. Tanupreet Kaur, Ms. Medha Navami, Advs. in item 85-88, 91-108, 63 - 66 for BCI
Mr. Kanav Vir Singh SPC in item 61 for R1

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: JASMEET SINGH, J (ORAL)



1. The present batch of writ petitions, though couched in differently worded prayers and seeking varied consequential reliefs, are traceable to a common and singular fountainhead, namely, the ‘shortfall in the minimum prescribed attendance.’
2. The petitioners before this Court are admittedly students enrolled in and pursuing the LL.B. Degree Programme conducted under the aegis and academic supervision of the University of Delhi.
3. The regulation, control and supervision of legal education in the country vests statutorily in the Bar Council of India, a body constituted under Section 4 of the Advocates Act, 1961, which is entrusted with the responsibility of laying down standards of legal education, prescribing eligibility norms, and ensuring uniformity and quality in the imparting of legal instruction across institutions.
4. The controversy in the present proceedings revolves around the interpretation and scope of Rules 10 and 12 of the Bar Council of India, Rules of Legal Education, 2008. The same read as under:

“10. Semester system The course leading to either degree in law, unitary or on integrated double degree, shall be conducted in semester system in not less than 15 weeks for unitary degree course or not less than 18 weeks in double degree integrated course with not less than 30 class-hours per week including tutorials, moot room exercise and seminars provided there shall be at least 24 lecture hours per week. Provided further that in case of specialized and/or honours law courses there shall be not less than 36 class-hours per week including seminar, moot court and tutorial



classes and 30 minimum lecture hours per week. Provided further that Universities are free to adopt trimester system with appropriate division of courses per trimester with each of the trimester not less than 12 weeks.

...

12. End Semester Test No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject taken together. Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest with the Vice Chancellor or Director of a National Law University, or his authorized representative in the absence of the Dean of Law. Provided further that a list of such students allowed to take the test with reasons recorded be forwarded to the Bar Council of India.”

5. The factual matrix giving rise to the present batch of writ petitions is not in dispute. It is an admitted position that the petitioners, for varied and diverse



reasons, were unable to secure the minimum prescribed attendance of 70% of the classes conducted during the relevant academic period.

6. Learned senior counsels and counsels appearing on behalf of the petitioners have placed reliance upon the judgment of the Hon'ble Division Bench of this Court in *Sushant Rohilla, Law Student of I.P. University, In re*,¹ to contend that a mere shortfall in attendance, as contemplated under Rule 12 of the Bar Council of India, Rules of Legal Education, 2008, cannot be made the sole or determinative ground for detaining a student from pursuing or continuing his or her LL.B. Degree Programme.
7. *Per contra*, Mr. Sharma, learned counsel appearing for the Bar Council of India ("**BCI**"), submits that the aforesaid judgment of the Hon'ble Division Bench is in the process of being assailed before the Hon'ble Supreme Court and that, until any modification or stay is granted, the BCI has neither diluted nor relaxed the rigours and mandatory requirements embodied in Rules 10 and 12 of the Bar Council of India, Rules of Legal Education, 2008.
8. Learned counsel further submits that owing to certain peculiar and exceptional circumstances, including the non-holding of an inquiry by the University/CLC and the consequential permission granted to students to participate in the examinations on the basis of undertakings furnished by them, the BCI, as a matter of concession, chose not to oppose the reliefs sought by some of the students. It is emphasised that such concession was limited to those exceptional facts and cannot be construed as a general relaxation or dilution of the statutory rules.

¹ 2025 SCC OnLine Del 7920.



9. The said concession applies to petitioners in writ petition Nos. W.P.(C) 16701/2025, W.P.(C) 14275/2025, W.P.(C) 17323/2025, W.P.(C) 14286/2025, W.P.(C) 15949/2025, W.P.(C) 16746/2025, W.P.(C) 16740/2025, W.P.(C) 18148/2025.
10. Mr. Rupal, learned counsel appearing on behalf of the University of Delhi states that the challenge to Rule 10 has not been disturbed by the judgment of the Hon'ble Division Bench in ***Sushant Rohilla (supra)***.
11. He further states that the University of Delhi has held an inquiry on 22.09.2025 and the operative portion reads as under:-

“...And whereas, the Committee recommended that the results in respect of the detainee students provisionally allowed to appear in the End Semester Examinations be not declared.

And whereas, the Competent Authority considered the BCI provisions and the recommendations of the Committee on 18.09.2025, and has decided that result shall not be declared and examination of such students (previously detainees subsequently allowed provisionally subject to outcome of the Enquiry Committee) be treated as cancelled.

Now therefore, all the students provisionally allowed to appear in the End Semester Examinations May - June 2025 are hereby informed about the decision of the Competent Authority.

This is issued with the approval of the Competent



Authority.”

12. He states that the said inquiry report also has not been challenged in most of the writ petitions.
13. He further draws my attention to the order dated 24.08.2018 in ***University of Delhi & Ors. v. Adarsh Raj Singh and Anr,***² and more particularly to paragraph 5 which reads as under:-

“5. We may clarify that this order shall not be treated as a precedent, it has been passed in the peculiar facts and circumstances of this case and based on the undertaking and concession given by the University, and, therefore, would be applicable only to the petitioners who are before this Court in these proceedings. It is further made clear that now no further petitions or any other grievance with regard to the issue in question would be entertained either by the University or by this Court in case of any other candidate/student similarly situated who has not approached the Court.”

14. Even though the LPA is currently pending, he states that the Hon’ble Division Bench observed that no further grievance will be entertained by the Courts as evident from the above quoted paragraph.
15. He also draws my attention to a judgment dated 04.11.2025 passed in ***Vansh Aggarwal v. University of Delhi through Vice Chancellor/Dean & Anr,***³ wherein the Hon’ble Division Bench did not permit the petitioner therein to participate in pursuing the LL.B Degree Programme for shortage of

² LPA 443 of 2018.

³ LPA 736 of 2025.



attendance. Reliance is placed on the following paragraphs:

“5. On a query by this Court, learned counsel could not offer any explanation as to why the appellant did not attend the classes of III semester. All that is stated by the counsel for the appellant was that the respondent no.1/university authorities had promised that the inquiry committee would give its report and thereafter the respondent no.1/university would consider permitting them to attend classes. It would be pertinent to note that the detention order was passed on 24.05.2025, and the enquiry committee report dated 19.09.2025 filed by the respondent no.1/university before this Court. Yet, the appellant did not approach any Court of law for redressal of his grievances. Having not taken timely steps to redress his grievances and remaining a fence sitter, the appellant cannot be permitted to seek parity, particularly, in view of the fact that he has not attended even a single class.

6. It is pertinent to note, and is undisputed that the cut-off date for filing the examination forms is over and no relief can be granted at such a belated stage.

7. We may also note that permitting a student to sit for examinations who has not attended even a single class, would not augur well in the public perception. In fact, it may be discouraging to all those sincere students who not only attended their classes but also ensured that they are not short of attendance. Permitting such students would also



be a premium to clear indiscipline and insincerity. The appellant being a student of law, ought to have been more sincere in attending classes and its unfathomable as to how the student who has not attended even a single class would be able to sit for the examination.”

16. I have heard the learned senior counsels/counselors for the parties and perused the material on record.
17. The observations of the Hon'ble Division Bench in **Sushant Rohilla**, (*supra*) are relevant and read as under:-

“X. Directions With Respect To Mandatory Attendance Norms:

249. In view of the above discussion in respect of attendance norms, the following directions are issued:

(1) The Bar Council of India shall undertake a re-evaluation of the mandatory attendance norms for the 3-year and 5-year LLB courses in India in line with the above observations as also in line with the NEP, 2020 and also the 2003 UGC Regulations which contemplate flexibility in attendance requirements. As part of this process, the BCI shall also incorporate modification of attendance norms to enable giving credit to moot courts, seminars, model parliament, debates, attending court hearings etc. In addition, ameliorative measures as contained below shall also be discussed and incorporated. BCI shall undertake a stakeholder consultation including students, student bodies, parents, teachers etc., for this purpose in an expeditious



manner.

(2) In order to safeguard the life and mental health of students, keeping in mind the debilitating impact on students that detention or non-appearance in examinations, due to mandatory attendance requirements can have, while the consultations by the BCI are underway, it is directed in the interregnum, as under:

a. No student enrolled in any recognized law college, University or institution in India shall be detained from taking examination or be prevented from further academic pursuits or career progression on the ground of lack of minimum attendance;

b. No law college, University or institution shall be permitted to mandate attendance norms over and above the minimum percentage prescribed by the BCI under the Legal Education Rules;

c. Insofar as the mandatory attendance norms fixed by the BCI are concerned, all law colleges, Universities and institutions recognized which impart 3 years and 5 years LLB degree courses shall with immediate effect, implement ameliorative measures including-

- i. Weekly notification of attendance of students through an online portal/a mobile app including on the notice board;*
- ii. Monthly notice to parents/legal guardian/family members regarding any shortage in attendance;*
- iii. Conducting extra physical or online classes for such students, who do not*



fulfil the minimum attendance norms;

iv. Home assignments to be completed in lieu of shortage of attendance;

v. Stringent practical work in legal aid clinics or similar such bodies, duly certified, which can cover up the shortage of attendance during the semester itself. Such steps shall thus be taken during the semester itself.

vi. In terms of Rule 12 of Legal Education Rules, 2008, the attendance percentage shall be calculated on the basis of ACTUAL CLASSES HELD by the teachers.

vii. If at the end of a semester, a student still does not qualify the prescribed attendance norms, the college/University cannot bar the student from taking the examination. The student shall be permitted to take the semester examination, however, in the final result for the semester, the grade of the student would be permitted to be reduced by a maximum of 5%, in case of marks being awarded and by 0.33% in case of the CGPA system being followed. Merely on shortage of attendance, promotion to the next Semester shall not be withheld.

BCI shall take into consideration the above measures as part of its consultation process while finalizing its norms for legal education.

(3) In terms of the assurance given by the BCI on 10th January, 2020, read with Rule 26 of Schedule III to the Legal Education Rules, the BCI shall also take steps to



enable internships to be made available to all students, especially those students belonging to economically weaker background, remote areas, specially-abled students etc. who do not have resources to arrange the same. Accordingly, the list of senior advocates, advocates, law firms, regulatory bodies, government organizations, etc. who are willing to provide internships to students, shall be published by the BCI and the State Bar Councils on their respective websites within three months. The said list shall be periodically updated and published city wise by the BCI and State Bar Councils so that the students can apply for and obtain internships.

(4) The Circular No. BCI:D:5186/2024 dated 24th September, 2024 issued by the Bar Council of India in respect of Biometric attendance, installation of CCTV cameras etc. in all centres of legal education across India, shall not be given effect to.”

(Emphasis added)

18. Sub para 2A is most relevant and the Hon’ble Division Bench in ***Sushant Rohilla (supra)*** has categorically held that no student shall be prevented from further academic pursuance on account of lack of minimum attendance.
19. It is also necessary to appreciate that the Hon’ble Division Bench has examined the issue of mandatory attendance in law programmes in considerable detail, specifically with reference to Rules 10 and 12 of the Legal Education Rules, 2008. The Hon’ble Division Bench undertook an



extensive analysis of the submissions advanced, examined the scheme of the Rules, and considered their interplay with the National Education Policy, 2020 (NEP, 2020).⁴

20. The core question before the Hon'ble Division Bench was not confined to the individual grievance raised in the petitions, but extended to a broader, systemic issue affecting the larger student population namely, "whether mandatory physical attendance constitutes a non-negotiable component of the teaching and training of students of law." The said question was answered in the negative.
21. In addressing this issue, the Court undertook an expansive examination of the UGC Regulations⁵, the nature and dimensions of legal education⁶, and the evolving pedagogical framework governing higher education. The analysis, thus, transcended the facts of the individual petitions and culminated in the conclusion that while holistic legal education is undoubtedly essential, rigid insistence on mandatory physical attendance does not necessarily advance that objective.
22. The Hon'ble Division Bench also directed the Bar Council of India to reconsider Rule 12 of the Legal Education Rules, 2008, observing that the said provision was not indispensable to the achievement of the intended educational outcomes. The relevant observations read as under:

"172. Considering the above position, and since the Court is dealing with a professional course i.e., legal education, which is designed to not only teach students but also to train them for the practice of law, the question that needs to be

⁴ Supra n. 1, Paragraph Nos. 166-172.

⁵ Supra n. 1, Paragraph Nos. 175-179.



addressed by the Court would be as to whether mandatory physical attendance is a non-negotiable component for the teaching and training of students of law.

...

199. This Court had also directed the BCI to re-consider Rule 12 of the Legal Education Rules, 2008.

...

203. The Court has considered the above stated judgments relied upon by BCI. However, it is necessary to note that the said judgments were passed prior to the NEP coming into force. As discussed at length above, the NEP lays greater emphasis on holistic learning and overall well-being of students.

*204. Having examined the intent of the NEP at length, this Court is of the view that here is no doubt that facing the consequences of non-appearance in the examination and detention would be an extreme step for a student, especially when considered in the light of repeated student suicide and mental health issues. These issues have also been recently taken note of by the Supreme Court in two judgments cited above namely **Amit Kumar (supra)** and **Sukdeb Saha (supra)**.”*

23. The Hon’ble Division Bench, upon a conjoint reading of Rules 10 and 12 of the Legal Education Rules, 2008, observed that the semester system

⁶ Supra n.1, Paragraphs 185-189.



prescribes a minimum duration of 15 weeks for unitary degree courses and 18 weeks for integrated double degree courses. Rule 10 mandates the minimum number of class hours and working days to be conducted by law institutions. However, the Court took notice of the prevalent practice of lectures being cancelled at short notice, often resulting in institutions failing to meet the mandatory requirements prescribed under Rule 10. The relevant observations read as under:

“210. A conjoint reading of Rules 10 & 12 of the Legal Education Rules, 2008 shows that there is prescription of semester system, which requires the following:

- 15 weeks for unitary degree course*
- 18 weeks for double degree integrated course*

Each of these weeks shall have a minimum of 30 class hours. These class hours include tutorials, moot court exercise and seminars. Out of 30 class hours, at least 24 lecture hours per week are compulsory. In case of specialized or honours law courses, 36 class hours per week would be mandatory and out of these 36 hours, 30 minimum lecture hours are compulsory. Colleges and universities are free to adopt trimester system with each trimester having 12 weeks...

211. As is evident from the table produced above, Rule 10 of the Legal Education Rules, 2008 stipulates the mandatory minimum number of class hours and working days to be conducted by law colleges, Universities and institutions.



However, it is a common practice across educational institutions for professors/teachers to cancel lectures at the last moment, without providing prior notice to the students. This leads to failure to meet the mandatory requirement for minimum number of class hours and working days, as prescribed.

212. Despite such deficiency on part of the law colleges, Universities and institutions to meet the mandatory requirement under Rule 10, the institutions still insist upon the mandatory attendance norms under Rule 12 being given effect to. This often creates an imbalance between the obligation of the institutions to provide sufficient classes to the students on one hand and the onus on the students to meet the mandatory attendance norms on the other hand.

(Emphasis added)

24. The Court observed that despite institutional shortcomings, law colleges continue to rigidly enforce attendance norms under Rule 12, resulting in an imbalance between the institutions' duty to provide adequate instruction and the burden imposed on students to meet attendance requirements. In this context, reliance was placed on the decision of a Single Bench of this Court in ***Adarsh Raj Singh v. Bar Council of India & Ors.***,⁷ wherein it was recognised that institutions frequently fail to conduct the statutorily mandated minimum number of classes, thereby depriving students of a meaningful opportunity to make up any shortfall in attendance before the conclusion of the semester.



25. The Court further noted that Rule 12 of the Legal Education Rules, 2008 operates as a strict pre-condition, providing that a student “shall not be allowed” to appear in the end-semester examination unless 70% of the classes held are attended across lectures, moot courts, classroom exercises, tutorials, and practical training. Though a limited relaxation of up to 5% is permissible in exceptional circumstances, subject to intimation to the Bar Council of India, the language of Rule 12 was found to be unduly rigid.
26. The Court opined that, such inflexibility is bound to have a cascading and disproportionate impact on students, as barring a student from appearing in examinations cannot be justified even as a measure of last resort, having regard to its severe consequences on mental health, academic progression, and future career prospects. The relevant paragraphs read as under:

“214. Hence, this Court is of the opinion that it is incumbent upon the BCI to ensure that all stakeholders involved in imparting of the legal education, including the dean of the universities, head of various departments, as also the professors, ensure that the obligations that rest upon them in terms of the BCI Rules, 2008 are met in a way that the students get sufficient opportunity to make up for the attendance that they might lose out on during the course of the semester. By holding lesser number of classes than those are prescribed, students in effect are compelled to attend 100% of all classes taken by teachers – in effect taking away the flexibility of 30% which is available to them.

⁷ 2018:DHC:3933.



...

217. In the opinion of this Court, the language of Rule 12 of the Legal Education Rules, 2008, is extremely strict in nature and leaves little room for relaxation. In fact, the wording of the Legal Education Rules, 2008 is stringent to the extent that if the students do not attend 70% of the classes, the only consequence shall be to bar them from taking examinations altogether – there are no ameliorative measures of making up the attendance.

...

219. In the opinion of the Court, such an inflexible approach is bound to have a cascading effect, thereby resulting in extreme consequences to students. Barring the student from sitting in an examination cannot even be the last resort undertaken by the concerned institutions – considering the debilitating consequences for the student including mental health and career prospects.

...

225. Consequences of non-appearance in examination and hence, detention, which is prescribed as the first and the only consequence of lack of attendance reveals an extremely non-pragmatic approach towards the study of law. Studying judgments in a library while engaging in discussions with the peers, moot court practise exercises and competition participations, internships and sharing of such experiences are all integral parts of legal education. In fact, moot courts



and debate competitions themselves are so competitive in nature that if a student is selected for national and international level moot court, such student may not be able to attend the classes for a whole semester, despite being amongst the brightest students.”

(Emphasis added)

27. That being the legal position, this Court is bound by the order of the Hon’ble Division Bench. Admittedly, till date, the judgment has neither been stayed/varied/modified and hence is a binding precedent upon this Court.
28. Additionally, the arguments of Mr. Rupal, learned counsel do not impress me. My reasons are that the order dated 22.09.2025 of the inquiry committee was passed by the University of Delhi before the judgment of the Hon’ble Division Bench in ***Sushant Rohilla (supra)***. Once the Hon’ble Division Bench has clearly opined that the student cannot be detained for lack of attendance, the observations of the University are in contradiction to the said findings which hold the ground. The judgment in ***Sushant Rohilla (supra)*** will be applicable to all the petitions as the students are not being permitted to proceed further with their academic careers due to shortage of attendance.
29. Reliance on the judgment of ***Adarsh Raj Singh (supra)*** in LPA 443/2018 is misplaced as the observations of the Hon’ble Division Bench would only pertain to the factual matrix existing at that point in time and cannot be construed to mean that a student, upon accrual of a cause of action, is barred from approaching a competent court of law for redressal, subsequently.
30. The judgment of ***Vansh Aggarwal (supra)*** is also distinguishable as in that case, the appellant did not attend a single class which is not the case in the present petitions.



31. Much emphasis was sought to be placed by the respondents on the undertakings furnished by the petitioners, whereby they had agreed to abide by the decision of the Committee. It is, however, not in dispute that such undertakings were obtained prior to the pronouncement of the judgment of the Hon'ble Division Bench in *Sushant Rohilla (supra)*.
32. To the extent such undertakings operate contrary to the law subsequently declared by this Court, they cannot be permitted to prevail. It is a settled principle of law that an undertaking which is contrary to a statutory provision or runs counter to the law declared by a constitutional court is unenforceable and cannot be sustained.
33. In view of the aforesaid discussion, all the writ petitions are allowed. The respondents are directed not to detain any of the petitioners on the ground of lack of attendance.
34. Once lack of attendance is held not to constitute a valid ground for detention, all consequential benefits flowing therefrom shall necessarily follow. These shall include, but not be limited to, promotion to the next semester, declaration of results, permission to attend classes, and conferment of the LL.B. Degree, in accordance with law.
35. At this juncture, Mr. Rupal, learned counsel for the University of Delhi, states that the specific order cancelling the results has not been expressly challenged by the petitioners.
36. The said contention also cannot be accepted. Once this Court declares the very foundation or fountainhead of the impugned action namely, "lack of attendance" to be illegal, this Court, in exercise of its powers under Articles 226 and 227 of the Constitution of India, is fully empowered to mould the relief so as to do complete justice between the parties. Such power would



necessarily include the grant of appropriate consequential directions, including permission to appear in supplementary examinations, where the facts so warrant.

37. The same is in consonance with the judgment in *Nestle India Limited & Anr v. Union of India & Ors.*⁸ Relevant paragraph reads as under:

“15. The approach of the Court in granting relief must be flexible and liberal and not rigid or hyper technical. The Court has a very wide discretion in granting relief under Article 226 of the Constitution of India. The Supreme Court in Charanjit Lal vs. Union of India, AIR 1951 SC 41 held that a petition under Article 226 should not be thrown away merely on the ground that proper relief is not asked for. Thus, under Article 226 relief can be granted by the Court even by moulding the relief, if justice so requires.”

(Emphasis added)

38. If there is any result given in sealed cover, the same shall be declared expeditiously and not later than 2 weeks from today.
39. The petitions are allowed in the above-mentioned terms.
40. The documents handed over in Court today are taken on record.
41. *Dasti.*

JASMEET SINGH, J

JANUARY 15, 2026 / (MS)

(Corrected and released on 20.01.2026)

⁸ W.P.(C) 4832/1995.