



\$~95

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16098/2025**
SAJAL CHHONKER

.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Ms Shabana Hussain, Mr Sahil
Bidhuri and Mr Ashish Singh Yadav, Advs.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Adv. Amanpreet Singh with Adv.
Harpreet Kaur for R1 & 2.
Mr. Mayank Yadav and Mr.Jitender Verma
Advocates for R-3

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
% 17.03.2026

CM APPL. 16461/2026

1. This is an application filed under Section 151 of CPC, 1908 seeking early hearing of the main petition.
2. For the reasons stated in the application, application is allowed and the matter is taken up for hearing today.

W.P.(C) 16098/2025

3. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:

*“a. Issue a writ of Mandamus, or any other appropriate writ,
order, or direction, thereby quashing the impugned*



memorandum dated 02.04.2025 issued by the Joint Registrar (Examinations), University of Delhi, whereby the petitioner has been awarded punishment under Clause 'C' for alleged use of unfair means/disorderly conduct during the first semester examinations;

b. Issue appropriate writ/order/directions in the nature of mandamus directing the Respondents to declare the Petitioner's result for the 1st and 2nd semester examinations;

c. Issue appropriate writ/order/directions in the nature of mandamus directing the Respondents to allow the petitioner to continue his studies in the 3rd semester and subsequent semesters as per the academic calendar of the University of Delhi;

d. Issue appropriate writ/order/directions in the nature of mandamus and direct the Respondents to pay the cost of this petition to the petitioner."

4. The brief facts of the case are that the petitioner is a student of the respondent University having secured admission in July, 2024 for the Academic Session 2024-2027 in B.Sc. (Physical Sciences) at Dayal Singh College (University of Delhi), i.e., respondent No.3. The petitioner appeared for his 1st Semester examination in January, 2025.
5. On 16.01.2025, while appearing for Environmental Science (Theory) (Paper Code-2181001001) examination, the petitioner was allegedly found copying from a fellow student's answer sheet. There are also allegations that the petitioner verbally threatened and insulted the Invigilator.



6. Subsequently, a Show Cause Notice dated 18.01.2025 was allegedly sent to the petitioner through an email alleging the use of unfair means and disorderly conduct.
7. The petitioner was found guilty of use of alleged unfair means copying another student's answer sheet and disorderly conduct and a punishment under clause 'C' of the University's Unfair Means Rules ("UFM") was imposed. The clause 'C' reads as under:-

C	1. Leaving the examination room without handing over the answer book to the invigilator. 2. Gross misbehavior i.e. threatening with physical force in connection with the examination with the Superintendent, or the Invigilator on duty or any other staff working at the Examination Centre or with any other candidate in or around the Examination Centre, before, during or after the Examination. 3. Intentionally tearing off the answer book or a continuation sheet or a part thereof. 4. Using abusive or obscene language in the answer book. 5. Where the candidate disturbs the examination or attempts to do so.	Cancellation of all the papers taken by the candidate during the current Semester/Professional examination. Further he/she shall be debarred from appearing in any examination of the University till the end of next subsequent Semester/Professional examination. The candidate may reappear in the same Semester/Professional examination (in which UFM case was registered) conducted by the university during next subsequent <u>Academic Session at the earliest.</u>
----------	---	--

CLAUSE	ACT/CONDUCT	Punishment for the programs having Semester/Professional Examinations.
C	6. Where the candidate on being challenged or searched during the course of examination by the Superintendent or by Invigilator or by any member of the examination staff on duty, swallows an unauthorized material (such as note/paper etc.) or runs away with it or is guilty of causing disappearance or destroying any such material with the intention of obliterating the evidence of his/her having possessed unauthorized material. In such cases, the statement of invigilator/superintendent of the examination will be considered as sufficient evidence. 7. Offering money directly or indirectly to any person connected with the examination. 8. Keeping of money in the answer book.	Cancellation of all the papers taken by the candidate during the current Semester/Professional examination. Further he/she shall be debarred from appearing in any examination of the University till the end of next subsequent Semester/Professional examination. The candidate may reappear in the same Semester/Professional examination (in which UFM case was registered) conducted by the university during next subsequent <u>Academic Session at the earliest.</u>



8. Mr. Bidhuri, learned counsel for the petitioner states that, at best, the allegations against the petitioner could only fall in Clause B paragraph Nos. 5 and 6 of the procedure and punishment of UFM which entailed cancellation of the papers taken by the candidate in that particular semester. The Clause B reads as under:

CLAUSE	ACT/CONDUCT	Punishment for the programs having Semester/Professional Examinations.
B	1. Misbehaving in connection with the examination with the Superintendent, the Invigilator on duty or any other staff working at the Examination Centre before, during or after the examination. 2. Leaving the Examination Room before expiry of half an hour from the commencement of the examination without the permission of the Invigilator/Superintendent of the Examination and/or without signing the attendance sheet. 3. Keeping in possession of papers, books or notes; written notes on any material (admit card, old question paper or on any part of the clothes worn by him/her or on any part of his/her body or table or desk); any electronic device (mobile phone, smart watch, blue tooth, micro-scanner, micro-phone one, micro-camera, micro-speaker, memory-based modules, Wi-Fi enable <i>modules</i>, etc.) or programmable calculator, if the candidate has made actual <u>use of such material or electronic device as unfair means to himself/herself or given assistance thereof to any other candidate during the examination.</u> 4. The statement of invigilator/superintendent of the examination alone will be considered as evidence along with circumstantial evidence.	Cancellation of all the papers taken by the candidate in the current Semester/Professional examination. (Including all essential repeat <u>except improvement papers</u> , if any).



CLAUSE	ACT/CONDUCT	Punishment for the programs having Semester/Professional Examinations.
B	5. Where the candidate takes assistance or attempts to take assistance from other candidate or any other person or from any book, paper, notes or other material (including exchange of answer book, question paper, admit card, electronic device, unauthorized material, etc.) in answering the question paper during the examination. 6. Where the answer book of the candidate show or otherwise established that he/she has received/given any help from/to another candidate in a malafied manner during the examination.	Cancellation of all the papers taken by the candidate in the current Semester/Professional examination. (including all essential repeat <u>except improvement papers</u>, if any).

9. Mr. Singh, learned counsel for the respondent Nos. 1 and 2 and Mr. Yadav, learned counsel for the respondent No. 3 dispute the same and state that the petitioner is guilty of gross misbehaviour and hence, the punishment awarded is in accordance with procedure and punishment of UFM.
10. In the present case, the Show Cause Notice dated 18.01.2025 issued to the petitioner is relevant and reads as under:-



UNIVERSITY OF DELHI
EXAMINATION BRANCH (North Campus)
Examination - V
Delhi - 110007
Website: exam.du.ac.in/ Phone: 011-27667811
Email-Id: exam.secretary.nc@exam1.du.ac.in

Ref. No. Exam.V/UFM/2025/4315
Delhi, the 18/01/2025

To,
Sajal Chhonker

Case No: 5560
Roll No.: 24021582080

SHOW CAUSE NOTICE USE OF UNFAIRMEANS/DISORDERLY CONDUCT.

1. Report of the Superintendent Examination Centre:

The Superintendent of the Examination Centre where **Sajal Chhonker** had taken examination in Paper No. **2181001001** of **BACHELOR OF SCIENCE (PHYSICAL SCIENCES) Part/ Sem.-I, session - Nov-Dec2024** Examination has reported that during the course of examination held on **16-01-2025**, the said candidate had resorted to the use of unfairmeans/disorderly conduct. The material(s) recovered from the candidate by the Superintendent has also been sent to this office. The text of the report sent to this office is as follows:-

copying another student answer sheet

2. Statement by the candidate at the time of the incident: (if given).

It has also been reported that as required under the rules, the said candidate was asked to give a written statement at the time of the incident which **he/she, gave/did not give**

The statement (if given) has been received in this office in which the candidate had:

Yes, gave statement

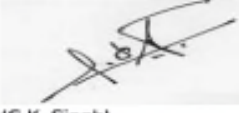
3. Charge-Sheet:-

The attention of the candidate is invited to the punishment awarded for use of unfairmeans/disorderly conduct at the examination as per Ordinance of University of Delhi. It had also been stated that the **minimum punishment** for possessing unauthorized material during the course of examination is cancellation of the examination in the paper of the day of incident (even though the material recovered has not been used during the course of the examination).

In view of the specific report of the Superintendent of the Examination Centre, the said candidate is now required to explain in writing why disciplinary action as provided under Ordinance X-A of the University should not be taken against him/her. The University shall be inclined to take a decision on the basis of the facts available on record and communicated to the candidate through this letter.

The case will be assigned to the Examination Disciplinary Committee and will be processed in accordance with the rules of the University. The final decision of the Executive Council taken in his/her case will be communicated to him/her in due course.

The candidate is required to give a reference to the case number and his roll number while sending a reply to this communication or addressing any communication to the University in this behalf.


(G.K. Singh)
Joint Registrar (Examination)

11. Based upon the said Show Cause Notice, the impugned Order dated 02.04.2025 was passed. The same reads as under:



UNIVERSITY OF DELHI
EXAMINATION BRANCH (North Campus)
Examination - V
Delhi – 110007
Website: exam.du.ac.in/ Phone: 011-27667811
Email-Id: exam.secretary.nc@exam1.du.ac.in

Case No: 5560
Roll No. : 24021582080

Ref. No. Exam.V/UFM/2025/4315
Delhi, 02/04/2025

MEMORANDUM

It has already been communicated through correspondence on the subject that as per report received from the Superintendent of the Examination Centre where **Sajal Chhonker** has appeared at the **BACHELOR OF SCIENCE (PHYSICAL SCIENCES) Part/ Sem.-I, session - Nov-Dec2024** the said candidate has resorted to the use of unfairmeans/disorderly conduct during the aforesaid examination.

The said candidate had been issued a detailed show-cause notice on the basis of the report of the Superintendent of the Examination Centre at the time of the incident.

After having considered all documents on record including the of the University of Delhi having been satisfied to the findings of the Examination Disciplinary Committee has decided that for the use of unfairmeans/disorderly conduct, as aforesaid, the said candidate be awarded punishment under Clause 'C' of the guidelines (circulated to him/her along with the admission ticket). The said clause reads as follows:

CLAUSE 'C':

Cancellation of all the **papers taken by the candidate in the current semester / Professional** examinations.

Further he /she shall be debarred form **appearing in any examinations** of the university till the end of next semester/professional examinations.

The candidate may reappear in the same semester/professional examinations (In which UFM case was registered) conducted by the university during the **next subsequent Academic Session** at the earliest.

The said candidate should also further note that in consequence of this decision, he/she would not be eligible to attend any classes in the College/Institution either for the same or higher class nor he/she will be entitled to claim any benefit of any classes attended despite clear instructions contained in this letter.

Sajal Chhonker

Copy forwarded for information and favour of necessary action to:

**The Principal,
DYAL SINGH COLLEGE (DAY)**

(G.K. Singh)

Joint Registrar (Examination)

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 30/03/2026 at 16:24:35



12. A perusal of the impugned Show Cause Notice shows that the petitioner is required to show cause as to why the punishment of possessing unauthorized material during course of examination be not imposed upon the petitioner. The Show Cause Notice also states that the same would result in cancellation of the examination in the paper of the day of the incident. Further the Show Cause Notice shows that the only allegation against the petitioner is usage of unauthorized material during the course of examination and there is not an iota or whisper of any specific kind of disorderly conduct.
13. In fact, the Show Cause Notice further cautions the petitioner with the punishment which is cancellation of the examination in the paper on the day of the incident.
14. Despite the Show Cause Notice, the respondent has gone ahead and imposed punishment both for unfair means and disorderly conduct going totally contrary to the averments in the Show Cause Notice. The action of the respondents vitiates the foundational principles of natural justice. A show cause notice is not a mere empty formality. It constitutes the very basis of the proceedings and delineates the scope within which the inquiry has to be conducted and action has to be taken. A person must be put to notice about the allegations against him and if the Show Cause Notice circumscribes the scope of punishment, the punishment beyond it cannot be imposed. The imposition of punishment outside the notice renders the exercise arbitrary.
15. I am of the view that the order is cryptic and the petitioner has been



charged of a punishment which the Show Cause Notice does not disclose.

16. At best, the Show Cause Notice only talks about cancellation of 1 paper.
17. Mr. Bidhuri, learned counsel for the petitioner states that he will be satisfied if the punishment is awarded under clause B(5) and B(6) i.e. cancellation of the entire 1st Semester which has already been done.
18. Accordingly, and for the reasons stated above, the memorandum dated 02.04.2025 is hereby quashed with a direction that only the 1st Semester of B.SC. (Physical Sciences) of the petitioner shall remain cancelled. Accordingly, all consequential benefits shall ensue to the petitioner.
19. Since the petitioner has already cleared the exam of the 1st Semester in November-December 2025, the result of the 2nd Semester shall be declared and the petitioner shall be granted consequential benefits including promotion to the next Semester.
20. The results handed over in Court today are taken on record.
21. The petition is disposed of in the aforesaid terms.
22. Next date of hearing, i.e. 28.04.2026, stands cancelled.

JASMEET SINGH, J

MARCH 17, 2026 / (MS)