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

+ **W.P.(C) 19066/2025&CM APPL. 79372/2025**

DEVANSHU MISHRA

.....Petitioner

Through: Mr Ashu Bidhuri, Mr Swapnam
Prakash Singh, Ms Shabana Hussain, Mr Paras
Batra and Mr Hrishabh, Advs.

versus

**UNIVERSITY OF DELHI THROUGH ITS VICE-CHANCELLOR
& ORS.**

.....Respondents

Through: Adv Ankur Chhibber, Adv Anshuman
Mehrotra, Adv Arjun Panwar, Adv Amrit Koul,
Adv Muskaan Dutta, Adv Prahil Sharma and Adv
Aditi Kapoor.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

05.05.2026

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1. 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 03.04.2025 issued by the Joint Registrar (Examinations), University of Delhi;

b. Issue a writ of Mandamus, or any other appropriate writ, order, or direction, thereby quashing memorandum dated 12.09.2025 issued by the Joint Registrar (Examinations), University of Delhi;

c. Issue appropriate writ/order/directions in the nature of



mandamus directing the Respondents to declare the Petitioner's result for the 1st and 3rd semester examinations;

d. Issue appropriate writ/order/directions in the nature of mandamus directing the Respondents to allow Petitioner to appear for his 5th semester examinations:

e. Issue appropriate writ/order/directions in the nature of mandamus directing the Respondents to allow the petitioner to continue his studies in the 3rd Year in accordance with the academic calendar of the University of Delhi;

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

2. The brief facts of the case are that the petitioner is a student of B.Com. (Hons.) (NEP) at the School of Open Learning (SOL), University of Delhi for the Academic Session 2023-2026.
3. In the month of January, 2025, the petitioner appeared for 3rd Semester Examination along with certain 1st Semester, Essential Repeat (ER) papers.
4. In addition to the aforesaid regular education the petitioner is pursuing Chartered Accountancy course from Institute of Chartered Accountants of India and has also duly cleared some exams in the said Course.
5. On 21.01.2025, the petitioner's mobile phone was stolen while he was travelling to his examination centre at PGDAV College (Morning) through public transport.
6. However, the petitioner's father asked him to proceed to the



examination centre and continue with his exam. Thereafter, the petitioner's father made a PCR call and also later lodged FIR at the Vikaspuri P.S.

7. Due to the aforesaid incident and consequential delay, the petitioner ultimately reached the examination centre at 3:15 p.m. against the reporting time of 2:30 p.m.
8. It was only after some arguments with the concerned invigilator that the petitioner was allowed to appear for the examination on that day for the subject of "Financial Accounting".
9. Since the petitioner was extremely disturbed, stressed and was also running short on time, the petitioner carried his answer sheet unknowingly with him and submitted the question paper and admit card with the invigilator instead of the answer sheet.
10. It was only on 23.01.2025 that the petitioner, while preparing for his next examination, opened his bag and was shocked to find the answer sheet of the previous examination.
11. Accordingly, the petitioner approached the examination centre, disclosed the entire incident and submitted the answer sheet back. However, his attempt was resisted by certain faculties and authorities.
12. The aforesaid series of events constitutes the factual matrix of the present case, which remains undisputed by the parties.
13. Pursuant to the aforesaid, the respondent University issued a Show Cause Notice dated 25.01.2025 which 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/2025/4658
Delhi, the 25.01.2025

Case No. 5914
Roll No. : 23345402634

To,

DEVANSHU MISHRA

SHOW CAUSE NOTICE USE OF UNFAIRMEANS/DISORDERLY CONDUCT.

1. Report of the Superintendent Examination Centre:

The Superintendent of the Examination Centre where **DEVANSHU MISHRA** had taken examination in Paper No. 2412081103 of B.COM. (HONS)_NEP Part/ Sem.-I, session - Nov-Dec 2024 Examination has reported that during the course of examination held on 21-01-2025, 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:-

Answer Sheet Stolen by Candidate

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

No, did not give 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)



14. The petitioner duly responded to the said Show Cause Notice and the proceedings were concluded *vide* memorandum/order dated 03.04.2025, imposing punishment under the Clause 'C' of the University Guidelines, cancelling the papers taken by the candidate in the current Semester and also debarring the petitioner from appearing in any examination of the University till the next Semester.
15. Thereafter, on 12.06.2025, the petitioner challenged the order dated 03.04.2025 in accordance with the regulations by filing an appeal for a review of the imposed penalty. The appeal of the petitioner was partially allowed to the extent of modifying the imposed punishment from Clause 'C' to Clause 'B' and the impugned order dated 12.09.2025 was passed, which 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.ncj@exam1.du.ac.in
Case No: 5914 Roll No. : 23345402634	Ref. No. Exam.V/UFM/2025/4658 Delhi, 12/09/2025
<u>MEMORANDUM</u>	
This has reference to representation of DEVANSHU MISHRA addressed to the Vice-Chancellor for review of punishment awarded to him/her for use of unfair means/ disorderly conduct during B.COM.(HONS)_NEP Part/ Sem.-I Examination -2024-25. It is informed that the said appeal has been considered by the University at the appropriate level and it has been decided that the punishment has been changed by Review Committee from Clause C to Clause B i.e. <u>CANCELLATION OF ALL PAPERS TAKEN BY THE CANDIDATE IN THE CURRENT SEMESTER/PROFESSIONAL EXAMINATION. (INCLUDES ALL ESSENTIAL REPEAT EXCEPT IMPROVEMENT PAPERS), IF ANY</u> IF OTHERWISE <u>ELIGIBLE</u> No further communication will be entertained in this regard. DEVANSHU MISHRA Copy forwarded for information and favour of necessary action to: The Principal, SCHOOL OF OPEN LEARNING  (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 11/05/2026 at 12:56:18



16. Since, the earlier order dated 03.04.2025 already stands modified by the appellate authority by virtue of order dated 12.09.2025, it is the order of the appellate authority which is resultantly under challenge in the present petition.
17. As a result of the impugned order, all the papers of the petitioner in the 3rd Semester have been cancelled and consequently, the petitioner has been detained in the 2nd Year, although the petitioner appeared for 4th Semester examination and the result has already been declared for the 4th Semester, wherein the petitioner has cleared 6 out of 7 papers.
18. Mr. Chhibber, learned counsel for the respondent University, supports the order dated 12.09.2025 and states that there is no infirmity as the same is passed in accordance with the law.
19. He draws my attention to the notification dated 10.07.2024 regarding procedure and punishment of U.F.M. unfair means/disorderly conduct and more particularly to the Clause 'C'. The relevant paragraph of the notification is reproduced 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 Academic Session at the earliest.
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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>

20. He states that the respondent University has acted in accordance with the notification and has resultantly passed the impugned order. He also relies upon Ordinance X-A of the University to state that the action of the petitioner falls within the ambit of disorderly conduct and use of unfair means. The relevant portion of the Ordinance X-A reads as under:-

“Ord. X-A. Disorderly conduct and use of unfair means in examination.

(e) . . .

(ii) leaving the examination room before the expiry of half an hour or without handing over the answer book to the invigilator-in-charge or without signing the attendance sheet; .



..”

21. He also relies upon the judgment of the Hon’ble Supreme Court in ***Dr. Ambedkar Institute of Hotel Management, Nutrition & Catering Technology v. Vaibhav Singh Chauhan, (2009) 1 SCC 59***, and more particularly paragraph Nos. 22 and 23 which read as under:-

“22. The learned Division Bench has repeated the view of the learned Single Judge that the punishment given was disproportionate to the offence committed. We entirely disagree with that view. As already stated above, the minimum punishment was imposed on the respondent and we fail to understand what other punishment could have been given to him even when he has confessed his guilt. In our opinion, this was not a fit case for exercising discretion by waiving or reducing the minimum punishment.

....

27. Before parting with this case, we would like to refer to the decisions of this Court which has repeatedly held that the High Court should not ordinarily interfere with the orders passed in educational matters by domestic tribunals set up by educational institutions vide Board of High School & Intermediate Education v. Bagleshwar Prasad [AIR 1966 SC 875] (vide AIR para 12), J.P. Kulshrestha (Dr.) v. Allahabad University [(1980) 3 SCC 418 : 1980 SCC (L&S) 436 : AIR 1980 SC 2141] (vide SCC para 17 : AIR para 17), Rajendra Prasad Mathur v. Karnataka University [1986 Supp SCC 740 : AIR 1986 SC 1448] (vide SCC para 7 : AIR para 7). We



wish to reiterate the view taken in the above decisions, and further state that the High Courts should not ordinarily interfere with the functioning and orders of the educational authorities unless there is clear violation of some statutory rule or legal principle. Also, there must be strict purity in the examinations of educational institutions and no sympathy or leniency should be shown to candidates who resort to unfair means in the examinations.”

22. I have heard learned counsels for the parties and perused the documents placed on record.
23. A perusal of the Show Cause Notice shows that in accordance with the Clause ‘C’, the petitioner was required to show cause as to why the minimum punishment of cancellation of the paper on the date of incident be not imposed upon the petitioner.
24. The Show Cause Notice is a well deliberated notice issued by the respondent University and does not indicate that the petitioner could be debarred for all the papers in the current Semester.
25. Except for the fact that the word “punishment” in the sentence as it is used in the Show Cause Notice, is preceded by the word “minimum”, no other explanation has been provided as to why the maximum punishment (the punishment imposed upon the petitioner) of cancellation of all papers of the current semester has not even been adverted to in the Show Cause Notice.
26. Despite the said Show Cause Notice not specifying the punishment against which reply of the petitioner was required, the respondent University has proceeded to first impose punishment under Clause ‘C’



of the Regulation and thereafter in appeal reduced it to punishment specified under Clause ‘B’. The said action of the respondent University is totally contrary to the averments of the Show Cause Notice with respect to which explanation from the petitioner was sought.

27. To my mind, the action of the respondent University is vitiated by reason of non-compliance with the Principles of Natural Justice. This Court has already *vide* Order dated 17.03.2026 in the case of ***Sajal Chhonker v. University of Delhi & Ors., W.P.(C) 16098/2025***, has decided that the scope of punishment to be imposed needs to be stated in the Show Cause Notice and imposition of punishment outside the scope of the Show Cause Notice would be violative of the principles of natural justice. The paragraph No. 14 of the said Order dated 17.03.2026 reads as under:

“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. . . .”

28. I am of the view that the petitioner has been subjected to a punishment beyond the scope of the Show Cause Notice. The Show Cause Notice only talks about cancellations of the paper on the date of incident which, according to me, is the correct procedure and appropriate punishment to be imposed on the petitioner. Thus, the punishment imposed on the petitioner violated the foundational principles of natural justice as held by this Court in the case of *Sajal Chhonker (Supra)*.
29. The judgment of the Hon’ble Supreme Court as relied upon by the learned counsel for the respondent is not applicable on the factual matrix of the present petition. The said judgment is with regards to proportionality of the punishment imposed upon the student, which is not the case here before this Court in the present matter.
30. For the said reasons, the present petition is allowed and the impugned order dated 12.09.2025 is hereby set aside.
31. The consequential benefits of the order shall ensue to the petitioner’s interest.
32. The petition is disposed of in the aforesaid terms, along with pending applications, if any.

JASMEET SINGH, J

MAY 5, 2026 / (MS)