
(2023) 09 SHI CK 0051
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 6773 Of 2023

Atul Manhas

APPELLANT

Vs

Himachal Pradesh National Law University

RESPONDENT

Date of Decision : 21-09-2023

Acts Referred:

Citation : (2023) 09 SHI CK 0051

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Aman Hansretta, Dr. Rajesh Kumar Parmar, Amar Vivek Aggarwal

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. Since on account of shortage of attendance, petitioner herein is not being permitted to participate in fifth semester examinations scheduled to be held with effect from 22.9.2023, he has approached this court in the instant proceedings, praying therein to direct respondent to grant benefit of remedial classes, academic, duty and medical leave due to the petitioner, while calculating his attendance.

2. Precisely, the grouse of the petitioner as has been highlighted in the petition and further canvassed by learned counsel for the petitioner is that though after having participated in remedial classes, the petitioner has made good shortage of attendance but yet he is not being permitted to sit in fifth semester examination scheduled to be held with effect from 22.9.2023. Since, examinations are to commence from 22.9.2023, this court instead of directing respondent University to file detailed reply, specifically directed Dr. Rajesh Kumar Parmar, learned counsel for the respondent University to have instructions from the respondent University.

3. Pursuant to direction passed in pre-lunch session, learned counsel for the

respondent made available photographs of record of attendance and other record, perusal whereof reveals that the petitioner on account of his having indulged in acts of indiscipline was suspended but subsequently, his suspension was revoked subject to his depositing fine to tune to Rs.15,000/- with the undertaking that he shall not indulge in such activities again. Since during period of suspension, petitioner alongwith other students, failed to join the classes, respondent-University, arranged for remedial classes but unfortunately even after taking remedial classes, petitioner has not been able to complete requisite attendance of 70%

4. As per record made available to this court, petitioner attended 44 classes in all prior to his suspension, out of 194 classes. Petitioner also attended 58 remedial classes in total, as a result whereof, his total classes worked out to 102 out of 194. While taking figure of 194, respondent University has not taken those classes into consideration which were arranged as remedial classes. Even on the basis said calculation, total percentage of attendance of petitioner comes to 52.58%, which is almost 72.42% short of requisite percentage of 70%.

5. At this stage, learned counsel for the petitioner, while inviting attention of this court to Annexure P-3 i.e. notice regarding status of attendance on 14.1.2023, vehemently argued that vide aforesaid notice, petitioner was shown to have attended 70 classes in total including remedial classes whereas, petitioner had not attended remedial classes in December 2022 and January, 2023, whereas, he attended remedial classes in the months of June and July, 2023. However, this court finds no force in the submission of learned counsel for the petitioner for the reason that firstly on 28.12.2022 (Annexure P- 2) University displayed on notice board attendance of students of B.A.LL.B., wherein attendance of the petitioner was shown to be 70 out of 194.

6. Though opportunity was granted to petitioner alongwith others to participate in all remedial classes but since, he failed to participate in remedial classes in December, 2022, notice displayed in January, 2023, rightly showed petitioner to have attended 70 classes as was actually displayed in notice dated 28.12.2022, which includes remedial classes attended in December, 2022.

7. While producing record, Dr. Rajesh Kumar Parmar, Advocate apprised this court that the petitioner herein had not attended all the remedial classes conducted in the month of December 2022 and January, 2023 but he was permitted to take remedial classes conducted in June-July 2023, specially arranged for students like petitioner, who could not attend remedial session, with the condition that remedial classes if any attended by the petitioner in December, 2022 and January, 2023, shall not be counted towards total lectures.

8. Learned counsel for the petitioner stated that since in June and July, 2023, petitioner attended 58 remedial classes, his total attendance comes to 128 out of 194, however, learned counsel for the respondent University stated that attendance shown in notice dated 28. 12.2022, Annexure P-2 includes some of

lectures attended in remedial classes in December, 2022 which were not required to be taken into consideration, especially when petitioner was permitted to attend the remedial classes in June and July 2023.

9. Record clearly reveals that the petitioner had actually attended 44 classes prior to having attended remedial classes in December 2022 and then again in June and July, 2023, petitioner attended 58 remedial classes. If aforesaid lectures are taken into consideration University is right in contending that in total 102 out of 194 classes have been attended by the petitioner.

10. Since it is not disputed that minimum 70% attendance is required for a student to sit in examination but in the case at hand, petitioner has attended 52.58% classes that too after having availed opportunity to appear in remedial classes. Minimum attendance prescribed in University bye laws, cannot be condoned by court, especially when Bar Council of India has made it mandatory for a student to attend minimum 70% lectures in one particular semester for appearing in the examinations of the concerned semester.

11. Consequently, in view of detailed discussion this court finds no merit in the petition and same is dismissed.