

(2009) 04 DEL CK 0478
In the Delhi High Court
Case No : Writ Petition (C) 8246 of 2009

Deepak Kumar

APPELLANT

Vs

University of Delhi and Another

RESPONDENT

Date of Decision : 17-04-2009

Acts Referred:

Delhi University (Conditions of Admission to Examination) Ordinance — Ordinance 7
Delhi University (Conditions of Admission to Examination) Rules — Rule 2(1), 2(2)

Citation : (2009) 04 DEL CK 0478

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Rajat Aneja, for the Appellant; Maninder Acharya, for the Respondent

Final Decision : Dismissed

Judgement

Sanjiv Khanna, J.—The petitioner has not been allotted roll number and admit card to appear in first year B.A.(Hons.) History examination due to inadequate attendance. The relevant provisions of the Ordinance relating to attendance are contained in Ordinance VII (Conditions of admission to Examination) of Delhi University and are reproduced below:

6. Attendance:

Subject to the provisions of Ordinance VII-Conditions for Admission to Examinations--a candidate for the B.A. (Honours) Part I or Part II or Part III Examination shall not be deemed to have satisfied the required conditions of attendance unless he has attended, in the main subject, not less than two-thirds of the lectures and practicals, separately, held in the College in each academic year and not less than two-thirds of the lectures and practicals, separately, held in the subsidiary subjects (taken together) in which instruction is imparted in each year.

Provided that a student of the I Year class or II Year class who does not fulfill the required condition of attendance in subsidiary subject/s at the end of the I year

and/or at the end of the II year, shall not be detained in the I/II year class, as the case may be, if otherwise eligible to proceed to the next higher class. Such a student will be eligible to appear at the examination in subsidiary subject/s concerned after putting in the requisite attendance during the subsequent year.

Provided further that in the case of a subsidiary subject in which instruction is imparted in more than one year, a student who has attended not less than 40 per cent of the lectures and practicals, separately, in the said subject during the I year, may be allowed to appear at the examination in the subsidiary subject concerned at the end of the I year subject to his making of the deficiency in attendance of the I year during the II year class. Similarly, a student who offers such a subsidiary subject and falls short of attendance in the subject concerned during the II year, but has attended not less than 40 per cent of the lectures and practicals, separately, in the said subject during the II year, may be allowed to appear at the examination in the subject concerned, if by combining the attendance of the II year in that subject with the attendance previously put in by him in that subject, he makes up the deficiency.

Provided further that a student of I year class who does not fulfill the required conditions of attendance as provided in the main clause above, but has attended, in the main subject, not less than 40 per cent of lectures and practicals, separately, held during the I year class, may, at the discretion of the Principal of the College concerned be allowed to appear at the Part-I examination; but such a candidate shall be required to make up the deficiency of lecture and practicals, as the case may be, of the I Year, during the II Year.

Provided further that a student of the II Year class who does not fulfill the required conditions of attendance as above, but has attended in the main subject not less than 40 per cent of the lectures and practicals, separately, held during the II year class, may, at the discretion of the Principal of the College concerned, be allowed to appear at the Part II examination provided that he makes up the deficiency of the II Year by combining the attendance of the first year class.

Provided further that a student of the II year class, who was short of attendance in the main subject at the end of the I Year Class, but was allowed to appear at the I Year examination, subject to his making up the deficiency of attendance during II year, and who has not been able to make up the deficiency, as above but has attended in the main subject, not less than 55% of the lectures and practicals, separately, held during the I Year Class and the II Year class, taken together, may, at the discretion of the Principal of the College concerned, be allowed to appear at the Part II Examination, subject to his making up the deficiency of the two years taken together, as above, during the III Year Class.

Provided further that a student of the III Year class who does not, fulfill the required conditions of attendance as above, but has attended in the main subject, not less than 40 per cent of the lectures and practicals, separately, held during the III Year class, shall be allowed to appear at the Part III Examination, if

by combining the attendance of the III Year with the attendance of I and II Years, the candidate has put in two-thirds of attendance in the main subject, separately in lectures and practicals, held during the three years.

2. Chapter III of Ordinance VII of Delhi University relates to condition for admission to examination. Rule 2(1) states that no person shall be deemed to have pursued a regular course of study unless the Principal of his college/Head of the Department is satisfied that the required conditions in respect of his instructions have been fulfilled. Sub-rule 2 stipulates that the required conditions shall not be deemed to be satisfied unless the candidate has attended not less than 2/3rd of the lectures and practicals in each academic year. Proviso to Clause 6 of Ordinance VII as quoted above provides for relaxation at the discretion of the Principal and a student with 40% attendance in the first year can be permitted to appear in the final examination provided he makes up the shortfall of 2/3rd attendance in the next academic year.

3. In the present case, it is admitted that the petitioner had attended 47 lectures out of 267 lectures. The petitioner is woefully short of the required requirement described under the Ordinance. Any dilution in the said prescribed requirement will obviously discredit Delhi University and de-value the degree and reputation of the University. Discipline has to be maintained in colleges and universities and students must attend classes and lectures as required by the rules before they are permitted to appear in an examination. A single Judge of this Court in Yogesh Bhatia Vs. University of Delhi and Another, has referred to several decisions and held that a Principal does not have untrammelled power to condone absence even if a student has less than 40% attendance in first year and 55% attendance in the second year. Discretion should be exercised rarely and sympathetic approach is counterproductive for students keep away from classes.

4. Learned Counsel for the petitioner submits that the petitioner is a member of the college volleyball team and has drawn my attention to letter dated 8th April, 2009 and the note of the Director of Physical Education that the petitioner is a member of the volleyball team and his attendance may be considered. In ground D of the petition itself the petitioner has stated that he has already been given 1/3rd benefit for sports and in spite of the said benefit, he is still short of the minimum 40% criteria.

5. In these circumstances, I do not find any merit in the present petition and the same is dismissed.

Copy of this order be given dasti to the Counsel for the petitioner under signature of the Court Master.