

(2011) 09 SHI CK 0308
In the High Court Of Himachal Pradesh
Case No : CWP No. 7109 of 2011

Deepraj and Another

APPELLANT

Vs

National Institute of Technology

RESPONDENT

Date of Decision : 08-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0308

Hon'ble Judges : Kurian Joseph, C.J.;Rajiv Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Petitioners seek change of branch from Computer Science to Electronics. According to the Petitioners, there are students with lesser marks than the Petitioners now studying in the branch of Electronics. It is also submitted that there are nine vacancies in Electronics. Therefore, the Petitioners pray that they may be permitted to have a change from Computer Science to Electronics.

2. Learned Assistant Solicitor General of India, on instruction, submits that in case the change as above is permitted, it may affect the required 75% strength in the Computer branch. How far these rules are mandatory, is yet to be seen. Whether the career and future of a student to pursue his studies in a stream of his choice, when that stream is available, should be marred on account of the rigidity to such rules, is also another question to be considered. We do not think that this Court, at this stage, should consider such question since we find that there is a provision for relaxation reserved to the Senate, which reads as follows:

Notwithstanding anything contained in this manual, the Senate of the National Institute of Technology Hamirpur, reserves the right to modify/amend without notice the curricula, procedures, requirements and rules pertaining to its undergraduate programmes.

3. In the above circumstances, to meet the ends of justice and equity, we feel that this is the case where the Senate should consider the request of the

Petitioners for change of the stream in the light of the observations made above. The needful, as above, shall be done within 10 days.

The writ petition is disposed of, so also the pending application(s), if any.

A copy of this judgment, duly authenticated by the Court Master, be supplied to the parties.