

(2020) 09 P&H CK 0206
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9709 Of 2020

Harsh Gupta

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 28-09-2020

Acts Referred:

Citation : (2020) 09 P&H CK 0206

Hon'ble Judges : Sudhir Mittal, J

Bench : Single Bench

Advocate : Puneet Jindal, Kunal Mittal, Arvind Seth, Vivek Singla

Final Decision : Dismissed

Judgement

Sudhir Mittal, J

1. The lis between the parties which calls for adjudication in this case is whether the petitioner is entitled under the existing rules to change his discipline?
2. The petitioner joined Indian Institute of Technology (IIT), Ropar in the academic session commencing in the year 2019 and was allotted the discipline of 'Mechanical Engineering Dual Degree'. On completion of the first year of his course, the petitioner sent an email dated 27.06.2020 to the Director of the Institute requesting for change to Computer Science Engineering and in the alternative to Mathematics and Computing. Based on this email, a report was sought whether a student of dual degree was eligible to seek a change. The academic section sent a report via email dated 08.07.2020 that being a five year course, students of dual degree were not entitled to convert to the four year B.Tech. course. Accordingly, the petitioner was informed through email of even date.
3. For the record, it may be noted that according to the Handbook of Information published for the Undergraduate Programme 2019-20 (hereinafter referred to as the 'Handbook') change of 'branch' was permissible at the end of first year

provided the student fulfilled the criteria laid down in Clause 2.4.2 of the said Handbook. The said Clause 2.4.2 is reproduced below:- 2.4.2 Branch Change at the end of First Year

"a) A student is eligible to apply for change of branch at the end of first year only, provided he/she satisfies the following criteria:-

(i) CGPA for GE/OBC category student :- > 7.50 or greater

(ii) CGPA for SC/ST/PD category student :- > 6.50 or greater

(iii) Earned credits at the end of first academic session are 36 credits or more.

b) Change of the branch will be permitted strictly in the order of merit, in each category as determined by CGPA at the end of the first year, subject to the limitation that the actual number of students in the third semester in the discipline to which the transfer is to be made should not exceed its sanctioned strength by more than 10% and the strength of the branch from which transfer is being sought does not fall below 85% of its sanctioned strength.

c) The condition mentioned in item I-III above will not be insisted upon for a change to a branch in which a vacancy exists with the reference to the sanctioned strength and the concerned student was eligible as per JEE Rank for admission to that branch at the time of entry to IIT Ropar. However, these conditions will continue to apply in the case of students seeking change to a branch to which the concerned student was not eligible for admission at the time of entry to IIT Ropar."

4. This clause was modified vide office order dated 06.07.2020 on account of on-going Covid-19 pandemic. A change of 'branch' was permissible on the basis of the first semester score.

5. It is also relevant to record that the Institute has issued an office order dated 21.11.2019, according to which, the Senate in its 32nd meeting held on 10.10.2019, has approved conversion from B.Tech. programme to B.Tech.-M.Tech. (dual degree) programme. The course of study being taken by the petitioner is known as B.Tech.-M.Tech. programme according to the list of Undergraduate Programmes mentioned in Clause 1.3.1 of the Handbook referred to hereinbefore. During the pendency of the writ petition, the Institute was directed to decide the request of the petitioner dated 27.06.2020 in accordance with law whereupon order dated 14.09.2020 was passed rejecting the same. The said order has been placed on record as Annexure P-16 and the prayer clause of the writ petition has been amended to seek quashing of the said order.

6. Learned Senior counsel for the petitioner has argued that upon construction of various clauses of the Handbook there is no manner of doubt that change from the dual degree to the B.Tech. programme is permissible. In any case, there is no express prohibition. He has specifically referred to Clauses 1.1, 1.3, 1.3.1, 1.4, 2.1, 2.4.2 and 2.9. This construction is also supported by the fact that

Indian Institute of Technology (IIT) Delhi, which is the mentor Institute of IIT, Ropar permits a similar change at the end of the first year and the rule governing the change is *pari materia* to the rule in IIT, Ropar. Moreover, vide office order dated 21.11.2019, the Institute has permitted change from B.Tech. to Dual Degree Programme and thus, it is illogical to say that the reverse is not permissible. Students with lesser score than the petitioner have been permitted to change and thus, refusal of permission to the petitioner is illegal and deserves to be quashed.

7. Learned counsel for the respondents has vehemently opposed the prayer. According to him, the true construction of the relevant clauses of the Handbook establishes that it is not permissible for the petitioner to seek a change. Under the relevant rules contained in the Handbook, a student is permitted to change his 'branch' i.e. from say Mechanical Engineering to Chemical Engineering but cannot change his programme. The Institute conducts courses in two types of programmes i.e. B.Tech. Programme and Dual Degree Programme. The petitioner has been enrolled in the Dual Degree Programme and cannot change to the Bachelor of Technology Programme. The rules of IIT, Delhi are different from the rules of IIT, Ropar. The rules of the mentor institution cannot apply to IIT, Ropar as each IIT is an autonomous institution governed by its own set of rules. A mentor institution is named only for ease of establishing a new institution and no more. Even if it be found that the rules contained in the Handbook are ambiguous then the construction placed upon them by the institution i.e. IIT, Ropar has to be accepted. Reliance has been placed upon 'Principal, Patna College, Patna and others vs. Kalyan Srinivas Raman, 1966 AIR (SC) 707' and 'Ajay Kumar Ramineni vs. IIT, Delhi and another, 2005(23) SCT 413'.

8. For a decision of this case, it is necessary to reproduce the various clauses of the Handbook relied upon by learned counsel for the parties:-

"1.1 Background

The Indian Institute of Technology Ropar is one of the eight IITs set up by the Ministry of Human Resource Development (MHRD), Government of India in 2008. In keeping with the spirit of the IIT system, this institute is committed to provide state-of-the-art technical education in a variety of fields, and also to facilitate transmission of knowledge using the latest developments in pedagogy. The Indian Institute of Technology Ropar started functioning from the academic year 2008-09 from the campus of IIT Delhi, the mentor institute. The foundation stone laying ceremony was held on 24 February 2009. The Indian Institute of Technology Ropar was registered under the Societies' Registration Act 1860 on 29 July 2009. The Institute shifted to its permanent campus and currently operates from its permanent campus. The permanent campus of IIT Ropar is spread across 501 acres of land located in Rupnagar in the lap of nature at the banks of river Satluj. It has been awarded the 5 Star GRIHA (Green Rating for Integrated Habitat Assessment) rating, one of the highest national ratings for Green Buildings.

1.2 xxxx

1.3 Programmes Offered IIT Ropar offers a variety of academic programmes for students with a wide range of backgrounds. Admission to these programmes are based on the students' performance in national level tests JEE Advanced. For undergraduate programmes, students are admitted after 10+2 schooling. The admission is done through JEE only. For further detail on admission to IIT Ropar, visit www.jeemain.nic.in, www.jeeadv.ac.in. The department and their programmes are listed below.

1.3.1 Undergraduate Programmes Bachelor of Technology (B.Tech.)

Sr.

No.

Department

Programme

Code

1

Chemical Engineering

B.Tech. in Chemical Engineering

CH

2

Civil Engineering

B.Tech. in Civil Engineering

CE

3

Computer Science

and Engineering

B.Tech. in Computer Science and

Engineering

CS

4

Electrical Engineering

B.Tech. in Electrical Engineering

EE

5

Mathematics

Computer and Engg.

& Science

B.Tech. in Computing

Mathematics and

MC

6

Mechanical

Engineering

B.Tech.

Engineering

in Mechanical

ME

7

Metallurgical and

Materials Engineering

ME B.Tech. in Metallurgical and

Materials Engineering

MM

Dual Degree Programme

Sr.

No.

Department

Programme

Code

8

Mechanical

Engineering

B.Tech.-M.Tech.

MED

In case of a branch change, the three alphabets (fields 5, 6 and 7) will be changed. However, his / her unique numeric code will remain unchanged. Such students will have two entry numbers, one prior to branch change and one after the change. At any time, though, only one entry number that corresponds to the student's present status will be in use.

2 xxxx

2.1 Academic Programmes

Currently, the following UG programmes are being offered:

- i. Bachelor of Technology in Chemical Engineering
- ii. Bachelor of Technology in Civil Engineering
- iii. Bachelor of Technology in Computer Science and Engineeringg
- iv. Bachelor of Technology in Electrical Engineering
- v. Bachelor of Technology in Mathematics and Computing
- vi. Bachelor of Technology in Mechanical Engineering
- vii. Bachelor of Technology in Metallurgical and Materials Engineering
- viii. B.Tech. - M.Tech. Dual Degree in Mechanical Engineering 2.2 to 2.8.5 xxxx
2.9 B.Tech. - M.Tech. Dual Degree in Mechanical Engineering Credit structure of the programme

i) Duration of the programme: 5 years (10 semesters)

ii) Total No. of credits requirements: 183

UG Level Credits 133

PG Level Credits 50

Total credits 183

As per the below provided sequence of courses, the students of the B.Tech.-M.Tech. (Dual degree) programme spend their first six semesters doing undergraduate courses, primarily, together with the B.Tech. students. The students complete six graduate level courses in seventh and eighth semester, while ninth and tenth semesters are spent doing MTech project work.

At the end of five years, they graduate, receiving both B.Tech. and M.Tech. Degrees together. There is no option of early exit with a B.Tech. degree only unless the student's performance is so poor that he/she is considered incapable of securing the higher degree. Institute reserves the sole right to make the decision in such cases. The course detail will be shared soon."

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9. The Undergraduate Programmes offered by the institution are mentioned in Clause 1.3.1. The table indicates that there are two kinds of Programmes i.e. Bachelor of Technology (B.Tech.) and Dual Degree Programme. But in Clause 2.1 all the branches of the Programme of B.Tech. mentioned in Clause 1.3.1 have been reflected as separate programmes. Clause 2.4.2 is specific that what is permissible is change of 'branch' only.

This is reinforced by Clause 2.9 wherein it has been clearly mentioned that students of Dual Degree Programme have no option of early exit with a B.Tech. degree. Thus, the view taken by the respondent-institution is in consonance with the rules contained in the Handbook. The stand taken in the impugned order dated 14.09.2020 is in accord with this understanding and cannot be faulted. If at all, it can be argued that the rules are ambiguous then, the judgments relied upon by learned counsel for the respondents will come into play. In the case of Kalyan Srinivas Raman (supra) the Supreme Court was construing a Regulation of the Patna University laying down the requirement of minimum attendance before a student could take the examination. Setting aside the order of the High Court, the Supreme Court observed that courts could not interfere with the decision of the educational authorities where two interpretations were reasonably possible and accordingly, a writ of certiorari could not issue. This judgment has been followed by a Division Bench of the Delhi High Court in Ajay Kumar Ramineni's (supra) wherein the construction placed upon Clause 3.9 of the prospectus of the year 2004-05 by IIT, Delhi was not interfered with.

10. The argument raised by learned Senior counsel for the petitioner that a similar construction should be placed upon the rules applicable in this case as has been placed upon its rules by IIT, Delhi being mentor institute cannot be accepted as it is neither based upon reason nor principle. There is no dispute that respondent-Institute has framed its own rules and simply because IIT, Delhi was its mentor Institute, it cannot be held that the rules applicable in IIT, Delhi would prevail. In any case, the rule prevalent in IIT, Delhi is markedly different from the rule applicable in the respondent-Institute. Both these rules have been tabulated in the replication filed on behalf of the petitioner and a perusal thereof shows that the clause in IIT, Delhi is regarding a change of programme whereas the clause in the respondent-Institute is regarding change of 'branch'.

11. Great stress has been laid upon Clause 1.4 by the learned Senior counsel for the petitioner. The said clause is under the heading 'Student's Entry Number'. Each student has an entry number consisting of eleven alpha-numerals of which fields 5 & 6 refer to the Academic Unit Code and field 7 refers to the programme. The argument is that according to the text under Clause 1.4 field 7 pertaining to the programme can also be changed and thus, change in programme is permissible.

12. This submission is too farfetched. The said clause does not lay down any rule

for change of programme/branch. It only provides for the content of each students entry number. While explaining the same, it has been mentioned in the text that in case of a 'branch' change, field 7 which refers to programme will also change. This is obviously erroneous and has been so explained by the respondents in the affidavit submitted on their behalf.

13. It has been next argued that there is no express prohibition of change of programme. This argument ignores Clause 2.9 of the Handbook wherein it has been specifically stated that option of early exit is not available to students undergoing the Dual Degree Programme. The Dual Degree Programme is of five year duration and if change is permitted to the B.Tech. Programme, a student would exit early on completion of the four year B.Tech. Programme in direct contravention of the said clause.

14. Reference to order dated 21.11.2019 cannot further the case of the petitioner. The said order has been passed after the commencement of the study programme of the petitioner. It can only apply prospectively to the next session and students who have taken admission in the academic session commencing in the year 2020 may take some advantage of it. However, it remains to be seen whether the decision contained in the said office order would help cases like that of the petitioner because what is permitted vide the said order is the reverse of case of the petitioner.

15. Since the petitioner is not eligible to seek a change, it would make no difference even if students with lesser score than him have been granted the change.

16. For the aforementioned reasons, I find no merit in the writ petition and the same is dismissed.