

(2011) 12 DEL CK 0351

In the Delhi High Court

Case No : Writ Petition (C) 8538 of 2011

Himanshu Garg and Others

APPELLANT

Vs

Faculty of Law and Another

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2012) 186 DLT 667

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : R.K. Saini and Mr. Vikram Saini, for the Appellant; Mohinder Rupal and Ms. Shawana Bari, for the Respondent

Final Decision : Disposed Off

Judgement

Rajiv Sahai Endlaw, J.—The three petitioners have filed this writ petition impugning Rule 12/provision in the prospectus of LL.B. three years course issued by the Faculty of Law, University of Delhi whereby re-admission in the first year of the course has been prohibited under any circumstance if the student is detained from appearing in the first semester examination on account of shortage of attendance. The petitioners further impugn the action of the respondents of refusing to allow the petitioners to appear in the first semester examination on the ground of not having the requisite attendance attendance.

2. The petitioners herein were granted admission to the LL.B. course late, on 18th and 19th October, 2011 respectively pursuant to the judgment dated 3rd October, 2011 of a Single Judge of this Court in W.P. (C) No. 6933/2011 titled Anuj Sharma v. University of Delhi on conversion of the vacant OBC category seats to seats for General category. The said judgment itself contained directions for holding of special classes to compensate for the classes which had been missed by those who were to be admitted late and so that the curriculum to appear in the first semester examination could be covered.

3. The counsel for the respondents appearing before us on advance notice stated

in the morning session when the case was taken up that the petitioners had been refused permission to appear in the examination since they had not even attended the requisite 66% of the total number of classes held after they were admitted. The said position was controverted by the counsel for the petitioners. Being of the view that if the petitioners did not meet the attendance criteria, they ought not to be permitted to take the examination provisionally also, we passed over the matter to enable the counsel for the respondents to produce the original records of attendance before us.

4. The counsel for the respondents has on the basis of the records brought by him stated that 55 extra classes were held for the students who had been admitted late and their attendance has been computed on the basis of the classes held with effect from the date of their respective admission as also the special classes held. It is further informed that the petitioner no. 1 attended 72 out of the total 113 classes; the petitioner no. 2 attended 71 out of the total 115 classes and the petitioner no. 3 attended only 59 out of the total 113 classes. It is thus stated that neither of the petitioners meets the criteria of required attendance of 66%.

5. The counsel for the petitioners has contended that the petitioner no. 1 is short by a mere three classes only and the attendance of the petitioner no. 2 is short by mere five classes only.

6. We are however unimpressed. It has been held in a catena of judgment (S.N. Singh Vs. Union of India (UOI) and Others, and other judgments noticed in Gagandeep Kaur Vs. Govt. of NCT of Delhi and Others) that attendance particularly in professional courses as law has to be ensured strictly and no leniency can be shown on medical or other grounds also. The Bar Council of India has refused to enroll advocates studying law through distance learning for the reason of attendance of classes being must and imbibing through personal lectures and interaction being a necessity to acquire proficiency in the subject. If the courts were to start intervening in such matters, there would be no end. The petitioners have in the petition not even stated any reason for their having not attended the classes. We are of the view that the petitioners having been admitted late, after nearly half the semester was over, had a greater onus upon them to attend the remaining classes. The petitioners have shown lackadaisical attitude and deserve no sympathy from this Court.

7. As far as the challenge by the petitioners to Rule 12 (supra) is concerned, in the peculiar facts of this case we do not deem it necessary to go into the validity thereof. The petitioners as aforesaid were admitted pursuant to a Court order, when nearly half of the semester was over. We therefore direct that notwithstanding the petitioners having been detained from appearing in the first semester examination on account of shortage of attendance, their admission to the LL.B. course shall not be cancelled and they shall not be required to take re-admission in the ensuing academic year.

8. The writ petition is disposed of. No order as to costs.