

(2009) 08 AHC CK 0139
In the Allahabad High Court

Jitendra Kumar Vishwakarma

APPELLANT

Vs

C.S. Azad University of Agriculture and Technology and
Others

RESPONDENT

Date of Decision : 13-08-2009

Acts Referred:

Citation : (2009) 08 AHC CK 0139

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dilip Gupta, J.—The petitioner, student of B.Sc. Agriculture (Honours) in Chandra Shekhar Azad University of Agriculture and Technology, Kanpur (hereinafter referred to as the ""University""), is aggrieved by the order dated 3rd March, 2009 by which his registration in the VIIIth Semester has been cancelled for having failed to clear Elementary Statistics and Mathematics Paper even after four attempts.

2. The petitioner was admitted to the B.Sc. Agriculture (Honours) Course in the academic session 2005-06. This is a four years Course comprising eight Semesters. The relevant Regulations regarding conduct of the Examination are as follows:-

Examination system: The examination system will be a combination of 30% internal and 70% external components.

Grading: The University has adopted 10 points grading with a minimum Average Grade Point (AGP) of 5.00 for passing a subject and an Overall Grade Point Average (OGPA) of 5.50 for completing the degree programme.

Types of examinations: The examination shall be of the following types :-

(1) Short quizzes (announced/unannounced)

- (2) Hourly examination
- (3) Practical including viva voce
- (4) Final examination ;
- (5) Any other type of examination as may be prescribed by the Academic Council from time to time.

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Grading system adopted: Each course shall have a specified number of periodical examination of various types- two quizzes, one hourly examination, one final laboratory examination and one theory examination. The weightage for the theory examination are (a) 10 % for quizzes (b) 20% for the hourly examination (c) 30% for the practical examination and (d) 40% for the final semester examination. Where there is no practical examination, the weightage for final semester examination shall be 70%.

The grading is done for each one of these components of the examination on the conventional percentage basis. The marks for these examinations in the proportion indicated or calculated and added. From this percentage of marks for the entire course is calculated.

Conversion of percentage of marks to the grade point in the 10-point scale: The percentage of marks earned in a course is divided by 10 and is expressed correct to one decimal place. This represents the grade point obtained by a student in a particular course.

The product of credit hours and grade point obtained by a student is the credit point of a course, which enables one to calculate the grade point average.

3. The petitioner appeared at the Ist Semester Examination. He cleared all the subjects except Elementary Statistics and Mathematics. This paper could not be cleared by the petitioner in the subsequent examinations also in 2006-07, 2007-08 and 2008-09, as a result of which the order was passed by the University cancelling his registration.

4. It is the contention of the learned Counsel for the petitioner that at the time of admission, the University had adopted a particular grading system but the same was subsequently amended and it was because of this amended grading system that the petitioner could not clear Elementary Statistics and Mathematics Paper. However, according to the University, the amended provisions have been rightly applied in the case of the petitioner and the impugned order does not suffer from any infirmity.

5. In order to appreciate the contentions advanced by the learned Counsel for the parties, it would be useful to examine the grading system adopted by the University as it existed at the time when the petitioner was admitted. The examination system is a combination of 30% internal and 70% external

components. The University adopted ten points grading with a minimum Average Grade Point (AGP) of 5.00 for passing a subject and an Overall Grade Point Average (OGPA) of 5.50 for completing the Degree Programme. The percentage of marks earned in a Course is divided by ten and is expressed correct to one decimal place. This represents the grade point obtained by a student in a particular Course.

6. It was found by the Academic Council of the University that students of B.Sc. Agriculture were not taking interest in the regular study and even though they obtained zero mark in theory paper they were able to clear the Semester by securing good marks in quizzes, mid-terms and practical and, therefore, in its 95th meeting held on 30th June, 2006, the Academic Council of the University resolved that students must obtain at least 50% marks in practical and theory separately, otherwise they will be declared failed. The students, however, objected and subsequently in its 97th meeting held on 11th January, 2007, the Academic Council resolved that students must obtain 35% marks in practical and theory examination separately.

7. In the first semester 2005-06 Examination, the petitioner obtained only 45.6% as against the required 50% marks in Elementary Statistics and Mathematics and was, therefore, declared failed in this subject. He again appeared at the said paper in 2006-07 by which time the new system had been introduced. The petitioner could not obtain the minimum 35% in the written examination in this paper as he got only 7 marks out of 100 marks and he also failed to get 50% marks in theory and practical combined as he obtained only 43.8% marks (4.38 grade points). He was, therefore, again declared failed. It needs to be mentioned that even according to the unamended provisions, students were required to obtain 50% marks in the subject. In 2007-08, the petitioner obtained only 18 marks out of 100 marks in theory and, therefore, was again declared failed. Even in the 2008-09 Examination he could not clear this paper as he obtained only 25% marks. Thus he had failed to clear the paper of Elementary Statistics and Mathematics even after four attempts.

8. Learned Counsel for the petitioner has placed reliance upon the judgment of this Court in Writ Petition No. 31514 of 2007 (Om Veer Singh v. C.S. Azad University of Agriculture & Technology, Kanpur and Ors.) decided on 30th July, 2007 wherein this Court observed that the decision of the Academic Council for amending the system will not apply to the 2006-07 examination but it will apply from the next academic session.

9. This will not help the petitioner because even if the contention of the petitioner that the amended system will not apply to the 2006-07 examination is accepted, then too as he had obtained less than 50% marks in theory and practical combined he could not have cleared the paper even under the unamended system. The petitioner does not dispute that for the subsequent examinations held in 2007-08 and 2008-09 the amended grading system will apply.

10. The University, therefore, committed no illegality in passing the order. The writ petition is, accordingly, dismissed.