

(2016) 07 JH CK 0070

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3186 of 2016.

**Jitesh Kumar - Petitioner @HASH Birla Institute of Technology, Mesra,
Ranchi**

Date of Decision : 27-07-2016

Acts Referred:

Citation : (2016) 4 JBCJ 447 : (2017) 1 JCR 231

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Mr. Prakash C. Roy, Advocate, for the Petitioner; Mr. Srijit Choudhary, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Mr. Aparesh Kumar Singh, J. - Heard learned counsel for the parties.

2. Petitioner came with a grievance that though he was permitted to deposit the requisite fee for registration for 4th semester, but now he has been compelled to undertake the 3rd semester course which would amount to extra punishment being awarded. Petitioner is a student of 2014-15 batch of Bachelor of Engineering (BE). He faced a punishment of misconduct on 5th February, 2015 (Annexure-1) of suspension for two semesters (SP 15 and MO 15); three black dots; expulsion from the hostel with immediate effect; referred to the counsel or at the time of rejoining he should submit the fitness report and on rejoining the institute he shall not be allowed the hostel facility. This punishment was upheld in a challenge made by him in W.P.(C) No. 3452 of 2015 by judgment dated 21st January, 2016 (Annexure-2). After completion of the period of suspension, petitioner did complete the 2nd semester course in April, 2016 and came out successful. Thereafter, he made the prayer for being registered in the 4th semester which according to him was allowed by 14th January, 2016 (Annexure-3) by the Dean Academic Programme. However, instead he has been now asked to enroll in 3rd semester of B.E. course whereby he would suffer in his career as he would not complete all the semesters of B.E. Course in the session 2014-18.

3. Respondents in their counter affidavit have come out with the plea that the petitioner was wrongly registered for the 4th semester on his application made. Instantly, the notice was put on the notice board on 19th January, 2016 which indicated that he had not completed the 2nd and 3rd semesters. Therefore, he was required to get registered in Semester-II. Respondents, however, realised that he had completed the 2nd semester and result was also published thereof where he scored 6.17 SGPA. Petitioner was granted registration in 3rd semester on 14th July, 2016 and at the moment he is attending the classes for 3rd semester which has started from 8th July, 2016 and will continue up to 11th November, 2016. Only after completion of 3rd Semester, he would be permitted to join in the 4th Semester.

4. Learned counsel for the petitioner has sought to convey that the permission to grant registration in 3rd semester has been later on inserted in the document at Annexure-3 and is an interpolation. He however also submits that the petitioner's career may be saved by allowing him to attend the special classes and complete 4th semester course also within time.

5. From the conspectus of the relevant facts noticed herein above, it is evident that in order to complete 4th semester course of B.E., a student like the petitioner has to complete the previous semesters successively and successfully. Petitioner on account of suspension, has completed the 2nd semester only in April 2016 and he can only be entitled to take registration and complete the 3rd semester course thereafter. He in that sense is running behind the schedule on account of the punishment as 4th semester course of 2014-18 session must have been over by May-June, 2016 being 6 months semester course. Whether the respondent-Institute permits such students to undertake special classes to complete unfinished course/semester or not is dependent upon the rules and bye-laws of the Institute.

6. In view of the aforesaid material facts and circumstances, no observation is required to be made by this Court except that the petitioner may make request before the competent authority for seeking permission for attending special classes. Writ petition is, therefore, disposed of without interfering in the matter.