

**(2004) 05 AHC CK 0077**  
**In the Allahabad High Court**  
**Case No : Special Appeal No. 551 of 2004**

Mohd. Minhajul Islam

APPELLANT

Vs

Aligarh Muslim University and Others

RESPONDENT

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**Date of Decision :** 27-05-2004

**Acts Referred:**

**Citation :** (2004) 3 AWC 2756

**Hon'ble Judges :** R.S. Tripathi, J;M. Katju, J

**Bench :** Division Bench

**Advocate :** M.P. Srivastava, for the Appellant; Sunita Agrawal, for the Respondent

**Final Decision :** Dismissed

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## Judgement

M. Katju, J.—This special appeal has been filed against the impugned judgment of the learned single Judge dated 12.4.2004.

2. We have heard the learned counsel for the parties and have perused the record.

3. The petitioner was admitted in B.Tech/B.Sc. Engineering Course in Aligarh Muslim University in the academic session 1992-93. The said course is of four years. The petitioner has alleged that he has passed the third year examination and at present he is pursuing study of the final year. The petitioner has alleged that he has been promoted from first year to second year in 1995, from second year to third year in 1998 and from third year to fourth year in 2001. Thus, it appears that for every one year of the course the petitioner took three years to pass the annual examination. This itself shows that he is not serious in his studies.

4. The petitioner was detained from appearing in the annual examination of the final year Computer Engineering Course during the session 2001-2002 due to shortage of attendance. The petitioner made a representation requesting that the attendance of the four periods from 1.11.2001 to 13.11.2001 be provided and

included for the purpose of computation of percentage of attendance for appearing in examination. This representation was forwarded for consideration by the Dean, Faculty of Engineering and Technology which was rejected and the petitioner was detained for the next session. The petitioner represented against this and requested that he be permitted to appear in B.Tech/B.Sc. Engineering Course for academic session 2002-03. This representation dated 13.11.2002 was sent to the Dean, Faculty of Engineering and Technology on 16.11.2002, who recommended that admission be accorded to the petitioner to clear the final year examination for the session 2002-2003 as last chance. Since the petitioner was not permitted to undertake the examination he filed a writ petition in this Court and this Court on 21.7.2003 asked the Academic Council to take a decision. Thereafter on 19/23.9.2003 the Academic Council has rejected the request of the petitioner on the ground that he does not come within the ambit of the Rules.

5. The respondents have alleged that under the University Ordinances It was incumbent on the petitioner to complete his four-year course within ten years. The petitioner was admitted in the academic session 1992-93 and thus the ten years period has come to an end in the academic session 2001-02. Hence the petitioner was ineligible to appear in B.Sc. fourth year final examination. The Committee of Examination has already considered the application of the petitioner in its meeting dated 9.4.2003 and has rejected his request as his claim was not within the ambit of the University Ordinances. The Academic Council has accepted the recommendation of the Examination Committee and the petitioner has been Informed accordingly. Admittedly the petitioner's attendance was short. The petitioner was taking a very casual approach regarding his academic career.

6. We see no infirmity in the impugned judgment of the learned single Judge. The appellant took his study non-seriously and very casually. To clear every examination he took at least three years. Under the Ordinance he had to complete his course within ten years of his admission but he has not done so. His attendance was also short.

7. In academic matters it is not proper for this Court to interfere, vide Medical Council of India Vs. Sarang and Others, and Thapar Institute of Engineering and Technology and Another Vs. Gagandeep Sharma and Another, , etc. The Examination Committee and Academic Council have considered the prayer of the petitioner and have found that the same lacks merit. This Court does not sit In appeal over the decision of the Academic Council or Examination Committee.

8. In administrative matters this Court has very limited scope of interference vide Tata Cellular Vs. Union of India, ; C.M.W.P. No. 52499 of 2002, Pushpak Jyoti v. State of U. P. and Ors., decided on 11.12.2003.

9. For the reasons given above we find no force in this appeal. It is dismissed.