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In the Uttarakhand High Court

Case No : Civil Writ Petition No. 2477 (M/S) of 2001

Rajiv Ranjan Singh APPELLANT

Vs

Vice Chancellor, G.B. Pant University Pant Nagar, District Udham Singh Nagar and Another RESPONDENT

Date of Decision : 20-08-2001

Acts Referred:

Citation : (2001) 2 UC 610

Hon'ble Judges : P.C.Verma, J

Bench : Single Bench

Advocate : V.K. Uniyal, G.A. and S.K. Mandal, for the Appellant; Rajendra Dobhal, for the Respondent

Judgement

P.C. Verma, J.—Heard Learned Counsel for the Petitioner as well as learned Government Advocate Sri U. K. Uniyal assisting the Petitioner and Sri Rajendra Dobhal, Learned Counsel for the Respondents for more than one and half hours.

2. The Learned Counsel for the petitioner could not satisfy this Court as to how the Petitioner could secure above 5 points at the end of academic year, so that the power to be exercised u/s 49 of Academic Regulations could not be exercised against the Petitioner. On scrutiny of facts, I find that the Petitioner appeared in first semester in few papers and secured 3.622 points. He appeared in the second semester at the end of academic year and secured 6.108 points. During the start of examination of the second semester at the end of academic year, the Petitioner did not request the authorities to permit him to appear in left over papers of the first semester. He made an application for declaring the first semester as Zero session for him. Even if the request of the Petitioner had been accepted, the Petitioner could obtain zero point in the first semester and only points of second semester would be available to take out\\ average of both the semester.

3. Regulation 44 (a) of Academic Regulations provides that:

If any undergraduate student fails to attain CGPA of 5.000 at the end of academic year, he shall be dropped from the University for poor academic performance with the right to petition for the admission.

4. In case the Petitioner''s first session would have been declared zero, the Petitioner could get at the end of academic year 3.054 points, which is below 5. Since the Petitioner appeared in few papers in the first semester and the points obtained have been added to the points obtained in the second session and after taking average it comes to 4.865, which is less than 5, therefore, the Petitioner according to Regulation 44(a) of Academic Regulations, is liable to be dropped from the University for poor academic performance. He has a right to file the petition before the Petitions Committee for re-admission. Since the Petitioner has a right to file a petition before the Petitions Committee, therefore, this Court do not propose to interfere in the matter at this stage.

5. Let a petition be filed by the Petitioner before the Petitions Committee, the Committee shall take into account that the Petitioner has got 4.865 points which is less by 0.135 and easily can be ignored in view of the fact that the Petitioner fell ill due to which he could not appear in two papers, while he was in Patna and had he appeared in these two papers, definitely he could have secured more than 5 points which is evident from the scores obtained by the Petitioner itself and the Petitions Committee shall also consider to grant re -admission to the Petitioner, so that the future of the Petitioner may not be blocked.

6. With the aforesaid reasons, the petition is disposed of finally.

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