

(2013) 08 DEL CK 0335

In the Delhi High Court

Case No : Writ Petition (C) 5449 of 2013 and CM No"s. 12170-71 of 2013

Shourabh Singh

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 30-08-2013

Acts Referred:

Citation : (2013) 08 DEL CK 0335

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Samarendra Kumar, for the Appellant; Mohinder J.S. Rupal, for University of Delhi, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.—The issues involved in this writ petition are whether (i) the respondent-Delhi University is entitled to discontinue the supplementary examination from the year 2013 onwards and (ii) a student who fails in the qualifying examination, is entitled for admission to 3-year LLB Course of Delhi University. The petitioner before this Court joined B.Com Course with respondent no. 2-SGTB Khalsa College for the academic year 2010-2011. The result for the third and final year of the said course was declared by the university in August, 2013. The petitioner, however, could not clear the practical test in the subject of "Computer Application in Business (Part-A&B)", he having secured 8 out of 25 marks. Before declaration of the said result, the petitioner had appeared in the entrance examination conducted by the respondent-University of Delhi for admission to its LLB Course. The petitioner claims to have obtained rank 549 in the said entrance examination. However, since the petitioner had failed in his B.Com examination, in the paper of "Computer Application in Business (Part-A&B)", the university did not grant him admission to LLB Course. The petitioner vide representation dated 12.8.2013 applied to the university for holding a supplementary test for "Computer Application in Business (Part-A&B)". He also sought reevaluation of his computer practical paper vide his representation dated

8.8.2013. It would be pertinent to note here that vide notification dated 4.5.2013, Delhi University discontinued with supplementary examination from 2013 onwards. From being denied admission in LLB Course and not holding supplementary examination, the petitioner is before this Court seeking the following reliefs:

(a) Quash the Notification/Office Order dated 4.5.2013 having Ref. No. OSD-CE/2013/335 issued by the Controller of Examination of respondent no. 1;

(b) Issue necessary directions to respondent no. 1&2 to conduct/hold the supplementary/improvement examination.

(c) Issue necessary directions to respondent no. 3 to give provisional admission to the petitioner to the 3 year programme of L.L.B.

2. The first question which comes up for consideration is as to whether there are any legal ground for quashing the notification dated 4.5.2013 issued by the Controller of Examination, University of Delhi deciding not to hold supplementary examination with effect from 2013 onwards. The petitioner has failed to show how the said decision taken by the university is bad in law. It is for the university to decide, a matter of policy, as to whether it would hold supplementary examination or not. The Court cannot interfere with such a policy decision taken by the university since it is shown that the said decision is illegal being violative of any statutory provisions or it has been taken by an authority which was not competent to take such a decision or is otherwise wholly arbitrary, irrational or illogical, amounting to perversity. No such case has, however, been made out by the petitioner. This is not his case that the aforesaid decision violates any statute or ordinance of the university. This is also not the case of the petitioner that the decision not to hold any supplementary examination from 2013 onwards has been taken by an authority which was not competent to take such a decision. Since the university is the best judge to decide whether there should be a supplementary examination and if so in which subjects, the decision taken by it to do away with such an examination in future cannot be said to be arbitrary or irrational, nor can it be said that no reasonable university could ever have taken such a decision. Therefore, there is no good ground to quash the notification dated 4.5.2013. As regards admission to the LLB Course, admittedly, the petitioner did not qualify for the final year of B.Com in the subject "Computer Application in Business (Part-A&B)". Therefore, he is not even eligible to get admission in the said course. The persons appearing in the final year of the qualified examination such as B.Com are permitted by the university to appear in the LLB Entrance Examination since the result of the qualifying examination is not declared by the time application forms are submitted for sitting in the entrance examination for admission to LLB Course but, the permission to sit in the examination, is always subject to the outcome of the qualifying examination and if a candidate fails to pass the qualifying examination, he is not eligible to take admission in LLB Course, a graduate degree have the minimum qualification for admission to LLB Course of Delhi University.

For the reasons stated hereinabove, I find no merit in this petition and the same is hereby dismissed. There shall be no orders as to costs.