

(2023) 01 UK CK 0009

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3091 Of 2017

Siddhant Singh

APPELLANT

Vs

Indian Institute Of Technology Roorkee & Others

RESPONDENT

Date of Decision : 03-01-2023

Acts Referred:

Constitution Of India, 1950 — Article 14, 21, 19(1)(g)

Citation : (2023) 01 UK CK 0009

Hon'ble Judges : Vipin Sanghi, CJ;Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : Siddhant Singh, Vipul Sharma

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1. We have heard petitioner-in-person. We have also heard learned counsel for the respondents. We proceed to dispose of the writ petition.

2. The petitioner has preferred the present writ petition primarily to assail the order dated 21.11.2013, whereby he has been expelled from the respondent-Indian Institute of Technology, Roorkee (for short 'Institute'). The petitioner also raises a challenge to Regulation 18(2) of the Ordinances and Regulations for the Undergraduate (UG), Integrated Dual Degree (IDD), Integrated M.Tech. (IMT), and Integrated M.Sc. (IMD) Programmes, 2009, or the prevalent existing regulations, as being ultra vires Articles 21, 14 and 19(1)(g) of the Constitution of India. There are certain other reliefs which have been sought in the writ petition, which we do not consider it necessary to reproduce in the context of the facts of the case.

3. The petitioner enrolled as an undergraduate student of Civil Engineering at the Institute. He registered for the 5th semester, namely, autumn semester of 2011 for the subjects offered for the third year in July, 2011. However, subsequently, while he was undergoing study in the autumn semester, 2011, his registration for

the third year (5th semester) was cancelled on the ground that he had not cleared one paper, i.e. MA-102 (Advance Mathematics), which was taught to him in the 2nd Semester of first year. In this regard, reliance was placed on Regulation 18 framed by the Institute, which, in so far as, its relevant portion reads as follows:-

"18. Subject Registration

(1) Every student shall register for the courses that he/ she wants to study for earning credits and his/ her name will appear in the roll list of each of these courses. No credit shall be given if a student is allowed to attend a course for which he or she is not registered. The performance of a student in all the courses, for which he/ she had registered, shall be included in his/ her grade card.

(2) Student should first register for the courses in which he/ she has been declared failed in the previous year/ semester as back papers and then register for the remaining courses of the semester to make up the total required credits for that semester. However, a student shall not be allowed to register for the courses offered to students of third year, if he/ she has not cleared all the courses of first year and a student shall not be allowed to register for the courses offered to students of fourth year, if he/ she not cleared all the courses of second year and a student shall not be register for the courses offered to students of fifth year, if he/ she has not cleared all the courses of third year.

(3) Registration of courses to be taken in a particular semester shall be carried out according to specified schedule on payment of necessary fees. In-absentia registration may be allowed only in rare cases such as illness or any other contingencies, at the discretion of the Dean, Academic Studies." (emphasis supplied)

4. The petitioner was aggrieved by the aforesaid action of the respondent-Institute, and preferred Writ Petition No.1966 of 2011 (M/S). That writ petition was partially allowed by the learned Single Judge on 11.11.2011. A mandamus was issued to the respondent-Institute to register the petitioner in the back paper MA-102 in the 5th semester, which had started in July, 2011. A further direction was issued that the Institute, after registering the petitioner for the back paper, will allow him to attend the course and shall permit the petitioner to give the back paper in MA-102 in the 5th semester.

5. The petitioner appeared in the said back paper, and cleared the same. He also cleared the 5th semester examinations. Thereafter, the petitioner, amongst several other students, failed to register for the autumn semester of 2013-14 Session.

6. The respondent- Institute issued a notice on 04.09.2013 to all such students, which numbered 47, who had not registered for the said session, and granted them time till 07.09.2013 to register.

7. Admittedly, the petitioner did not register despite the said notice. Consequently, vide office memorandum dated 18th/21 November, 2013, the name of the petitioner, inter alia, was struck off from the rolls of the Institute.

8. The petitioner preferred the present writ petition, inter alia, to challenge his name being struck off from the rolls of the Institute, as aforesaid, only in the year 2017. The averment made by the petitioner in the writ petition for his not registering for the 2013-14 Session, by 07.09.2013, reads as follows:-

"Autumn Semester 2013-14

(Mid July 2013- End November 2013)

Petitioner did not register for the 9th semester

136. The petitioner was not mentally prepared to register for an extra semester, firstly because he believed that he was rightfully not required to do so and, secondly, because he had been preparing for certain future prospects, all of which were contingent on him getting a graduation degree. Registering for the extra semester would compromise his prepared work and decrease the perceptive value of his graduation."

9. The explanation furnished by the petitioner for not approaching the Court, after his rustication in November, 2013, is contained in Paragraph Nos.137 to 141, which reads as follows:-

"137. The petitioner had also not been prepared to file another writ petition, both mentally and logistically, especially after knowing that the institute authorities had deliberately tried to sabotage his case and that in such a situation, a basic petition as previously filed by him would not be effective. He had so far ignored the lack of any favourable response from the institute as mere bureaucratic lethargy from the officials, which was known to be typical of the institute administration. He felt tricked into this situation and cheated upon by the institute authorities.

138. The petitioner was in two minds- whether to expeditiously sue the institute and get his graduation degree, which was a prerequisite for all future prospects that he was working on, or to register for the extra 9th semester, in which case he would lose out on all those prospects. In indecisiveness, he had lost a significant portion of the attendance for the extra semester, which the institute would hold against him and not allow him to give examinations.

139. The petitioner had on earlier occasions considered dropping out of the institute as his engineering career was not heading in the desired direction. However, he stayed at the institute as he had no clear alternative career path and he was not failing in a large number of courses. He was just looking to graduate peacefully and then see what to make of his career.

140. After being evicted in the circumstances that he was, the petitioner was extremely upset that he spent so much time at the institute and eventually got caught in no man's land. He was also very angry and frustrated that he trusted

the institute officials and did not plan accordingly to sue them at an early stage; instead he spent a lot of time preparing for his future prospects, which went to nought.

141. The petitioner was also living alone and was under stress for a long time. Although he cannot claim that he was diagnosed with depression since he did go through the diagnosis stage, to the best of his knowledge and understanding, he was suffering from depression during the period. He did not register for the extra 9th semester, i.e. Autumn Semester 2013-14, nor did he file another writ petition in this Court."

10. In the aforesaid light, the challenge to Regulation 18(2) aforesaid is not even called for in the present writ petition, since that Regulation has not been invoked for his rustication in November, 2013.

11. So far as the challenge to the petitioner's rustication is concerned, the petitioner, being a student of the respondent-Institute, was bound to follow academic discipline and to register himself for the 2013-14 Session if he was desirous of continuing to pursue his course. Admittedly, he has not got himself registered despite grant of opportunity at his own peril, and on account of his own beliefs. He gave precedence to his other "future prospects", of his own volition.

12. The submission of the petitioner is that he has been discriminated, as against another student, namely, Kankanala Karthik. The averments made in this regard are found in Paragraph Nos.134 and 135, which read as follows:-

"134. When the petitioner was vacating his hostel room, he called Kankanala Karthik on phone and asked him if there had been any decision taken about the registration of his debarred course in the summer term and whether he had taken permission for staying in his hostel. Karthik replied that no decision had been taken until then and that he was not optimistic about it. He also said that he hadn't yet taken permission for staying in his hostel after the month of May 2013 and might also leave by the end of June 2013.

135. However, in early July 2013, after the summer term had nearly come to an end, Kankanala Karthik was allowed to register for his remaining course and give the examinations in the summer term. This was revealed to the petitioner by Karthik on phone in July 2013."

13. The aforesaid averments are completely vague. Even otherwise, the averment is that Kankanala Karthik was permitted to register in July 2013 or thereabout. In fact, the petitioner was permitted to register till 07.09.2013, i.e. well after the date when the petitioner claims that Kankanala Karthik was permitted to register.

14. The petitioner, therefore, can have not grievance on the ground of discrimination, as he has not been discriminated against.

15. We are of the view that the petitioner has neither made out a case on merits, nor is he entitled to any other relief considering the delay and laches in preferring the present writ petition.

16. For the aforesaid reasons, the writ petition is dismissed.

17. Pending application, if any, also stands disposed of.