
(1988) 02 AHC CK 0004

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 20571 of 1987

Smt. Chitra Kala Sharma

APPELLANT

Vs

Chancellor, Agra University and Others

RESPONDENT

Date of Decision : 25-02-1988

Acts Referred:

Uttar Pradesh State Universities Act, 1973 — Section 12(7), 13, 13(6), 29, 29(2)

Citation : (1988) 1 AWC 642

Hon'ble Judges : M.P. Singh, J

Bench : Single Bench

Advocate : Satya Prakash, for the Appellant; R.G. Padia and R.P. Singh, S.Cs., for the Respondent

Final Decision : Dismissed

Judgement

M.P. Singh, J.—The present writ petition is directed against the order passed by the Chancellor on 29-8-87 rejecting the representation dated 11-12-1986 filed by the petitioner against the decision of the Examinations Committee dated 23-11-1986 whereby it was decided to reduce the marks of the petitioner in L.L.B. (First year).

2. The petitioner appeared in the L.L.B. (First year) Examination of 1986 from Agra College, Agra (hereinafer referred to as the College) with roll number as 2280. She appeared in six papers, viz., Law of Contract, Law of Torts and Essement, Law of Agreement and Procedure, Hindu Law, Mohammadan Law, Indian Constitutional Law & Indian Legal History.

3. After the examination, the answer books were sent to the relevant examiners, who after evaluating the same submitted the mark sheets The tabulation work was also completed but before the result could be finalised and declared, the Vice-Chancellor received a number of complaints that certain influential persons connected with the University had approached the examiners for L.L.B. (First year) Examination of 1986 and as a result of which have succeeded in getting

the marks of their respective wards increased, which actually they did not deserve, One of the complaint was made by a senior Professor of the University. The complaints included the roll number of the petitioner along with many others.

4. After receiving the complaints the Vice-Chancellor got it verified and found that there was prima facie some truth in it. He further found on enquiry that the normal rule of sending the answer books have also been violated in as much as normally half of the answer books were always sent to the external examiners and other half was retained for the internal examiners but this rule was violated for L.L.B. (First year) Examinations of 1986 particularly in regard to those candidates whose roll numbers were mentioned in the complaints. The complaints did not appear to be baseless.

5. The Vice-Chancellor, on further enquiry, found that the roll numbers mentioned in the complaint, were of the relatives of teachers and other influential persons who mattered in the University. Most of them secured very high percentage of marks. He after enquiry was satisfied that it was not a mere coincidence or chance but a clear manipulation right from the initial stages when roll numbers were assigned to the candidates.

6. As the matter was extremely urgent, the Vice-Chancellor exercising his powers u/s 13(6) of the U.P. State Universities Act (hereinafter referred to as the "Act") took immediate action and ordered that the answer books of all those candidates who had secured more than 65% marks be reevaluated by two out-side examiners. The answer books were accordingly sent for revaluation. The results obtained were placed before the Examinations Committee. Among all the candidates whose answer books were revalued, the difference in the case of the petitioner was highest. It was a difference of 132 marks. Initially she was given 499 marks but after revaluation she got only 367 marks.

7. On considering this matter the Examinations Committee exercising its power u/s 29 of the Act took a decision that the result of all the candidates who had secured more than 60% marks be revalued. Again the answer books of all those candidates who had secured more than 60% marks were sent for revaluation to the external examiners.

8. The Examinations Committee in its meeting dated .23-11-1986 decided that the results of those candidates whose answer books were revalued be declared on the basis of marks obtained by them after re-examination. It was also decided that no change will be made where the difference between the original marks and the marks obtained after re-examination was only 10% or less in each paper. Re-examined marks will be such as are arrived at after taking the average of two examiners in each paper. The results of all the candidates were thereafter declared in accordance with the decision taken by the Examinations Committee on 23-11-1986

9. After declaration of the result, number of candidates whose results were moderated, accordipg to the decision of the Examinations Committee, got their

answer books in the two papers revalued as permissible under the rules. The most peculiar feature of the case is that the petitioner did not dare to avail of that opportunity. Probably she knew it well that the marks initially obtained by her were not the result of honest evaluation. She only filed a representation before the Chancellor u/s 58 of the Act against the decision of the Examinations Committee dated 23-11-1986. The Chancellor vide his order dated 29-8-1987 rejected the same against which the present writ petition has been filed.

10. Heard Sri Satya Prakasb, learned Counsel for the petitioner, and Dr. R. G. Padia, learned Counsel for the Chancellor and Sri R. P. Singh, learned Chief Standing Counsel for the Respondents and perused the entire record of the University which was produced by the learned Chief Standing Counsel.

11. The learned Counsel for the petitioner raised the following points for consideration:

(1) The Vice-Chancellor has got no power to order re-examination of the answer books before obtaining the approval of the Examinations Committee.

(2) The Examinations Committee has also no power to reduce the marks given by examiners.

(3) Even assuming that the Examinations Committee has power, it cannot act arbitrarily.

(4) There has been malafide on the part of Sri S.K. Agrawal, Vice-Chancellor, Agra University, Agra, Respondent No. 2.

(5) There has been violation of principles of natural justice.

12. Before I start discussing the points raised by the learned Counsel for the petitioner, I may mention one important point that Sri Sushil Kumar, the husband of the petitioner, is a full time teacher in the Department of Law since 1984. Sri Anand Prakash Sharma, father-in-law of the petitioner, is a part-time Lecturer in the same Department since 1973. It has been suggested by the learned Chief Standing Counsel that the petitioner was given very high percentage of marks on account of these two teachers who are quite influential in the Department of Law and they were instrumental in helping the petitioner.

13. Following is the position with regard to the marks obtained by the " petitioner before and after revaluation:

Paper Name	of paper	Maximum Marks	Marks awarded	No. Marks obtained after revaluation
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	1. Law of Contract	100	79	67
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	2. Law of Torts	100	80	64
	and Easements			

3. Law of Crimes 100 91 63 & Procedure

4. Hindu Law 100 79 55

5. Mohammedan Law 100 87 63

6. Indian Constitutional 100 83 55 Law and Indian Legal _____

History 600 499 367 _____

14. Now coming to the first question whether the Vice-Chancellor has got power to pass such an order or not, Section 13 of the Act would be relevant which is being reproduced below:

13. Powers and duties of the Vice-Chancellor-(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall-

(a) exercise general supervision and control over the affairs of the University including the constituent colleges and the Institutes maintained by the University and its affiliated and associated colleges;

(b) give effect to the decisions of the authorities of the University ;

(c) in the absence of the Chancellor, preside at meetings of the Court and at any convocation of the University ;

(d) be responsible for the maintenance of discipline in the University ;

(e) be responsible for holding and conducting the University examinations properly and at due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on proper dates.

(2) He shall be an ex-officio member and Chairman of the Executive Council, Academic Council and the Finance Committee.

(3) He shall have the right to speak in and otherwise to take part in the meeting of any other authority or body of the University but shall not by virtue of this Sub-section be entitled to vote.

(4) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinance and he shall, without prejudice to the powers of the Chancellor (under Sections 10 and 68) possess all such powers as may be in that behalf.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Executive Council, the Court, the Academic Council and the Finance Committee:

Provided that he may delegate this power to any other officer of the University.

(6) Where any matter is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action taken by him to the Chancellor and also to the officer, authority, or other body who or which in the ordinary course would have dealt with the matter:

Provided that no such action shall be taken by the Vice-Chancellor without the previous approval of the Chancellor, if it would involve a deviation from the provisions of the Statutes or the Ordinances ;

Provided further that if the officers, authority or other body is of opinion that such action ought not to have been taken it may refer the matter to the Chancellor who may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner, as he thinks fit and thereupon, it shall cease to have effect or, as the case may be, take effect in the modified form, so however, that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor:

Provided also that any person in the service of University who is aggrieved by the action taken by the Vice-Chancellor under this Sub-section, shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(7) Nothing in Sub-section (6) shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorised and provided for in the budget.

(8) Where the exercise of the power by the Vice-Chancellor under Sub-section (6) involves the appointment of an officer or a teacher of the University, such appointment shall terminate on appointment being made in the prescribed manner or on the expiration of a period of six months from the date of the order of the Vice-Chancellor, whichever is earlier.

(9) The Vice-Chancellor shall exercise such other powers as may be laid down by the Statutes and the Ordinances.

15. Sub-section (6) of Section 13 gives power to the Vice-Chancellor of the University to take immediate action where the matter is of urgent nature and it cannot be dealt with by any officer or authority or any other body of the University. For exercising this power the Vice-Chancellor is subject to three limitations-

(1) The Vice-Chancellor cannot take action without the previous approval of the Chancellor where there is a deviation from the provisions ; or

(2) Where the officer, authority or other body on whose behalf action is taken is

of the opinion that it should not have been taken, the said officer, authority or body has the power to refer the matter to the Chancellor. The decision of the Chancellor is final, and

(3) Any person in the service of the University aggrieved by the action of the Vice-Chancellor has a right of appeal to the Executive Council within three months from the date of the said decision.

16. In the present case none of these conditions are attracted. After receiving the complaints, the Vice-Chancellor made preliminary enquiry and was satisfied that the matter was of urgent nature. It required immediate action so that there may not be further delay in the declaration of the results, the action was taken by him. The use of the words " any matter is of urgent nature requiring immediate action " indicate that the intention of the Legislature was to clothe the Vice-Chancellor with emergency power in such matters. According to the dictionary meaning " emergency "-means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. But this provision cannot be intended to permit the Vice-Chancellor to himself create an emergency so as to usurp the power which ordinarily under the provisions of the Act, Statutes, Ordinance and Regulations vest in the authority or body of Committee provided therein. The Vice-Chancellor has to act bonafide in the interest of Institution.

17. In the case of Gyan Chandra Mehrotra Vs. University of Allahabad and Another, a Division Bench of this Court had an occasion to consider the power and jurisdiction of the Vice-Chancellor to make an order u/s 12(7) of the Allahabad University Act which lays down-

In any emergency, which in the opinion of the Vice-Chancellor requires immediate action to be taken he shall take such action as he deems necessary and shall at the earliest opportunity, report the action taken to the officer, authority or other body who or which in the ordinary course would have dealt with the matter but nothing in this Sub-section shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorised and provided for in the budget.

18. The provision of Section 12(7) of the Allahabad University Act is very much similar to Section 13(6) of the U.P. State Universities Act. After considering the question involved therein and considering the question of interpretation of Ordinance XIII of Chapter 29 the Court came to the conclusion that the Vice-Chancellor after scrutiny of the answer books of the applicant was competent to make an order ranging for rectification of the omission.

19. One of the rules of interpretation of Statute is that courts are competent, in extraordinary circumstances, to enlarge the meaning of an expression used in the statute in order to give full effect to the intention of that statute as appearing from the various provisions contained in it. The present case appears to me to be one of such a nature so that I should, in interpreting the present Section 13(6) of

the Act, give it a meaning which would fully carry out the intention of the Act. The Vice-Chancellor was competent and had the jurisdiction to undo the wrong done by the examiners in allotting very high percentage of marks to the petitioner which she did not deserve. This was not only the solitary instance but there were, along with the petitioner, a large number of other candidates who were similarly treated.

20. In the case of Virendra Singh Sen Vs. The Jiwaji University, Gwalior and Another, it has been held that the Vice-Chancellor is the sole Judge of the existence of the emergency calling for immediate action and his discretion in the matter is not open to judicial review. The only limitation in his powers to act in emergency is that he cannot under the cloak of an emergency usurp to himself with the powers which the University authorities have not under the Act or the Statutes or the Ordinance.

21. It is almost settled that whenever a power is conferred on any authority under a Statute, it is meant to be exercised bonafide for the purposes thereof and any action taken by the authority in exercise of such power can be struck down by the Court if it is malafide or amounts to the abuse of the power of colourable exercise of power.

22. The formation of opinion of the Vice-Chancellor is purely subjective and the law has made provisions for the opinion of the Vice-Chancellor and not of the Court. This opinion cannot be challenged except on the ground of malafide. In such cases, however, the power of the Court to interfere has been extended to cases where in reaching such opinion the relevant legislation is misapprehended or relevant material is ignored from consideration or irrelevant material is considered.

23. Under the above Sub-section the Authority to which a report is made by the Vice-Chancellor of an action taken in an emergency has either to approve the same or in the case of disapproval has to refer the matter to the Chancellor. Thus a statutory duty is cast on the authority to apply its mind to see whether the action of the Vice-Chancellor taken under the emergency merited approval or disapproval.

24. In the instant case initially the Vice-Chancellor had taken a decision that the answer books of those candidates who had secured more than 65% marks may be revaluated but thereafter when the matter was referred to the Examinations Committee, it took a decision that the answer books of all those candidates who have secured more than 60% marks may be revaluated. The action of the Vice-Chancellor stood approved by the Examinations Committee which is the final authority u/s 29 of the Act.

25. In my opinion after receiving the complaints the Vice-Chancellor has acted under Sub-section (6) of Section 13 of the Act and he has the jurisdiction of exercising his emergency power for taking immediate action or revaluation of the answer books regarding which there were complaints. From the record I am

satisfied that the Vice-Chancellor did so after being satisfied that there was a prima facie case in the complaints. This was done in order to eradicate the alleged corruption in the evaluation of the answer books. Any way, this action of the Vice-Chancellor u/s 13(6) of the Act has been approved by the Examinations Committee u/s 29 of the Act. I find no force in the submission raised by the learned Counsel.

26. Now I come to the second submission whether the Examinations Committee has got power to reduce the marks. Section 29 of the Act is the relevant section which is being reproduced below:

29, Examinations Committee-(1) There shall be an Examinations Committee in the University, the constitution of which shall be as may be provided for in the Ordinances.

(2) Except as provided in Sub-section (2) of Section 42, the committee shall supervise generally all examinations of the University, including moderation and tabulation, and perform the following other functions, namely-

(a) to appoint examiners and moderators and, if necessary, to remove them ;

(b) to review from time to time the results of University examinations and submission of reports, thereon to the Academic Council;

(c) to make recommendations to the Academic Council for the improvement of the examination system ;

(d) to scrutinise the list of examiners proposed by the Board of Studies, finalise the same and declare the result of the University.

(3) The Examinations Committee may appoint such number of sub committees as it thinks fit, and in particular may, delegate to any one or more persons or sub-committees the power to deal with and decide cases relating to the use of unfair means by the examinees.

(4) Notwithstanding anything contained in this Act, it shall be lawful for an Examinations Committee or, as the case may be, for a sub-committee or any person to whom the Examinations Committee has delegated its power in this half under Sub-section (3), to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination.

27. The learned Counsel for the petitioner contended that in view of Sub-section (2) of Section 29 of the Act the Examinations Committee has got only the power to supervise moderation and tabulation. Once the marks have been allotted and the answer books have been evaluated, the process of tabulation and moderation comes to an end. The Examinations Committee does not have any power to act thereafter. To me the contention appears to be misconceived. One of the rules of interpretation of statute is that the Courts are competent, in extra ordinary circumstances, to enlarge the meaning of an expression used in a Statute in

order to give full effect to the intention of that statute as appearing from the various provisions contained in it. The question, in the circumstances, that I have to consider is whether the order could be validly made by the Vice-Chancellor u/s 13(6) of the Act which was subsequently approved u/s 29(2), which is the only residuary provision on which reliance may be placed for holding that the order was valid.

28. A perusal of Sub-section (2) of Section 29 indicates that it is only an enumerative and not exhaustive. The responsibility of conducting the examination is of the Examinations Committee. The process of examination starts from the appointment of paper-setters and ends in the declaration of result. If the argument of the learned Counsel for the petitioner is accepted, the whole purpose of Section 29 will be frustrated.

29. The action taken by the Vice-Chancellor u/s 13(6) of the Act and approved by the Examinations Committee u/s 29(2) of the Act are within the jurisdiction of the Act and suffer from no illegality. This Committee has every power to supervise the examination and has every jurisdiction to take any action till the result is declared. The second contention of the learned Counsel for the petitioner has no force and is rejected.

30. The learned Counsel for the petitioner placed reliance on a Full Bench decision of this Court reported in 1987 AWC 417: 1987 Ed. Cas 42 Committee of Management of R.K. College v. Vice-Chancellor, Meerut University. In that case the Court was called upon to consider the scope of Section 13(6) of the Act relating to the suspension of the Committee of Management by the Vice-Chancellor. That was the limited question to be decided by the Court. It was held that the Act does not confer power to supersede the management of the College on any occasion or authority or other body of the University, the Vice-Chancellor could not exercise his power by calling into assistance the emergency powers conferred upon him u/s 13(6) of the Act. The Vice-Chancellor is the statutory authority. His powers must be located within the scope of University Act. He has no jurisdiction to exercise any power which has not been expressly or impliedly conferred upon him. There is specific provision u/s 58 of the Act which empowers the State Government after considering the explanation, if any, submitted by the Management u/s 57, may pass an order to take over, for such period not exceeding two years, as may be specified, the management of the College and its property to the exclusion of the management and appoint authorised controller but there is no provision in the Act to meet the contingency which is involved in the instant case. This Full Bench decision does not help the petitioner in any manner.

31. The Supreme Court in the case of Allahabad University v. Amrit Chand 1986 Ed Cas 283 while considering the scope of Section 13(6) of the Act held that it enables the Vice-Chancellor to take such action as he may deem fit in any matter is of urgent nature requiring immediate action and same cannot immediately be dealt with by any officer or authority or other body of the University empowered

by the Act to deal with it.

32. Now I come to the third question whether the action taken by the Examinations Committee was arbitrary.

33. The contention of the learned Counsel for the petitioner was that the complaint which forms part of the record of the University shows that there were complaints against the examination of L.L.B. (Third year) but no answer book of that year were sent for revaluation. I have looked into the complaints from the record of the University. It only makes a vague and casual mention about L.L.B. (Third year) also but no specific allegation was made against any student of that year. On the other hand the complaint regarding L.L.B. (First year) gave all the details and 16 roll numbers were mentioned stating that there was bungling in allotment of marks to 16 candidates. Since the details of 16 cases were mentioned in the complaint, the cases of L.L.B. (First year) were taken up by the Vice-Chancellor for investigation and rightly no action was taken for making any enquiry with regard to any candidates of L.L.B. (Third year). The Vice-Chancellor was perfectly justified in taking such an action. I do not find any arbitrariness in his order or in the order of the Examinations Committee. Except this no material has been placed by the petitioner before the Court.

34. Now I come to the fourth submission about the allegation of malafide against Sri S.K. Agrawal, Vice-Chancellor.

35. The Vice-Chancellor Sri S.K. Agrawal himself has filed a counter affidavit in this Court. He has stated that no irregularity has been done in the appointment of tabulators and examiners. There is no rule prescribed for their appointment. Whatsoever action has been taken by him for the evaluation of the answer books was on the basis of the complaints received by him. He has also denied that his mind was prejudiced by Sri S.K. Awasthi. He did not have any grudge or malice against the petitioner or her husband and father-in-law who are teachers in the Department of Law. He has sent all the answer books for revaluation regarding which he received the complaint. The petitioner was not the only candidate whose answer books were revalued.

36. I have considered the counter affidavit filed by Sri S.K. Agrawal, Vice-Chancellor, and also the material placed by the petitioner in the writ petition and I find that except a vague allegation in two paragraphs of the writ petition the petitioner has produced no material to substantiate his argument that there was any malafide on the part of the Vice-Chancellor. I am satisfied that no case of malafide has been made out against the Vice-Chancellor, the contention of the learned Counsel for the petitioner has no force. It is rejected,

37. Now coming to the last question of principle of natural justice it may be stated here that the rule of natural justice has gained much importance in this evaluation of modern administrative law because it provides a basis for judicial control of the procedure to be followed by such administrative authorities. It is apparent that in the welfare State the administration does not enjoy wide powers

to interfere with the right of the individual. The right of personal hearing becomes an important safeguard against any abuse of the arbitrary powers exercised by the administration.

38. In the case of *Jawaharlal Nehru University Vs. B.S. Narwal*, it has been held that when a duly qualified and competent academic authority has examined and assessed the work of the student over a period of time and declared his work to be unsatisfactory, no question of a right to be heard can arise. The function of an academic body in such a case is to form an unbiased assessment of the student's standard of work based on the entirety of his record and potential. That is their function. The very nature of the function of the academic adjudication negates any right to an opportunity to be heard.

39. In another case reported in *The Bihar School Examination Board Vs. Subhas Chandra Sinha and Others*, where Bihar School Examination Board on being satisfied that a vast majority of the examiners at a particular centre have adopted unfair means, it is not necessary for the Board, before cancelling the examination as a whole at that centre, to give an opportunity to all the candidates to represent their cases. The Board had not charged any one with unfair means so that he could claim to defend himself. The examination has been vitiated by adoption of unfair means on a mass scale. In these circumstances it would be wrong to insist that the Board must hold a detailed enquiry into the matter and examine each individual case to satisfy itself which of the candidates had not adopted unfair means. The examination as a whole must go.

40. To make such decisions depend upon a full-fledged judicial enquiry would hold up the functioning of such autonomous bodies as Universities and School Boards. The Universities and the School Boards are responsible for their standards and the conduct of examinations. The essence of the examinations is that the worth of every person is appraised without any assistance from an outside source. If at a centre the whole body of students receive assistance and manage to secure success in the neighbourhood of 100% when others at other centres are successful only at an average of 50% it is obvious that the University or the Board must do something in the matter. It cannot hold a detailed quasi-judicial inquiry with a right to its alumni to plead and lead evidence etc. before the results are withheld or the examinations cancelled. If there is sufficient material on which it can be demonstrated that the University was right in the conclusion that the examinations ought to be cancelled then academic standards require that the University's appreciation of the problem must be respected. In the instant case not only the case of the petitioner was examined by the Vice-Chancellor and the Examinations Committee but a large number of other candidates regarding whom the complaint was made. In order to do justice to all the L.L.B. (First year) candidates the action was taken by the Vice-Chancellor and the Examinations Committee for revaluation of the answer books of those against whom the complaint was made. Moreover no right has accrued in favour of the petitioner because the result has not been declared and communicated to

her.

41. I hold that the petitioner had no right to be heard and there is no violation of the principles of natural justice. In the process of revaluation or evaluation of answer books the principles of natural justice are not at all attracted. A student has got no right to participate in the process of revaluation or in the final awarding of marks. This is not a case of use of unfair means. The action of the University authorities are fully justified.

41 It is rule of prudence that the Court should hesitate to dislodge the decision of the academic bodies. In the instant case the Examinations Committee, which is the body under the Act to take a decision, has taken a decision and I am satisfied that this decision has been taken correctly. On the other hand if the Vice-Chancellor would not have taken an action even after receiving the complaint he would have been failing in his duties which he has discharged very fairly in this case.

43. In the case of Varanasaya Sanskrit Vishwavidyalaya and Another Vs. Dr. Rajkishore Tripathi and Another, the Supreme Court has held that in the matter touching either the discipline or the administration of internal affairs of the University, the Courts should be most reluctant to interfere unless a fairly good prima facie case is made out for such interference.

44. In the case of Dr. J.P. Kulshreshtha and Others Vs. Chancellor, Allahabad University and Others, it has been held that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs. While there is no absolute ban, it is a rule of prudence that court should hesitate to dislodge the decision of academic bodies. But University organs, for that matter any authority in our system, is bound by the rule of law and cannot be a law unto itself. If the Chancellor or any other authority lesser in level decided an academic matter or an educational question, the court keep its hands off ; but where a provision of law has to be read and understood, it is not fair to keep the court out.

45. In short while dealing, with the affairs which have an impact of academic bodies the view of the educational experts are entitled to great consideration but not to the exclusive wisdom.

46. In the case of The University of Mysore and Another Vs. C.D. Govinda Rao and Another, it has been held that where there is no allegation about malafide against the experts who constitute the Board, we think it would normally be wise and safe for the Courts to leave the decision of the academic matters to experts who are more familiar with the problems they face than the courts generally can be.

47. The same view has been taken by a Division Bench of this Court in the case of Parvez Ahmad v. Aligarh Muslim University, Aligarh reported in 1987 Ed. Cas 252 and the Court took a view that it is a rule of prudence that Court should

hesitate to dislodge the decision of academic bodies.

48. Considering the entire matter it appears that the powers so exercised by the Vice-Chancellor and the Examinations Committee had been exercised u/s 13(6) and Section 29(2) of the Act. Not only this, the Act contemplates that the authorities concerned shall have the power to do all such acts and things whether incidental to the powers conferred under the Act or not as may be requisite in order to further the object of the proper functioning of the University. This Court is extremely reluctant in interfering in such administrative matters.

49. The orders passed by the Vice-Chancellor, the Examinations Committee and the Chancellor u/s 58 of the Act do not suffer from any illegality. The writ petition has no force and is dismissed but without any order as to costs.