



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 441 of 2024

Date of Decision: 03.12.2024

Shri Bamang Nabam

... Petitioner(s)

Versus

1. North Eastern Hills University (NEHU)
Represented by the Registrar of NEHU
Umshing Mawkynroh, Shillong-793002.
2. The Controller of Examination, NEHU
Umshing Mawkynroh, Shillong-793002.
3. The Vice Chancellor, NEHU
Umshing Mawkynroh, Shillong-793002.
4. The Principal,
Shillong Law College, Dhankheti, Shillong
East Khasi Hills District, Meghalaya.

... Respondent(s)

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s)	:	Mr. P. Yobin, Adv. with Ms. B. Ramsiej, Adv.
For the Respondent(s)	:	Mr. S. Sen, Adv. (For R 1-3) Mr. S. Chakrawarty, Sr. Adv. with Mr. E. Laloo, Adv. (For R 4)



i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioner who is stated to be a Student in the 5th Semester of Shillong Law College is before this Court seeking interference by invoking powers under Article 226 of the Constitution, to condone the shortfall in attendance for which he has been held ineligible by the College to take the End Semester Exams (5th semester Exams).

2. Mr. P. Yobin, learned counsel for the petitioner has submitted that the failure of the petitioner/student to meet the required attendance was because of legitimate reasons i.e. medical conditions, for which he had undergone an operation in November, 2024, and a medical certificate and the other details to this effect have been annexed to the writ petition. He further submits that the reasons being genuine, the petitioner who is an exceptional student without any back paper till date, be given some consideration and prays for directions



from this Court to enable the petitioner to sit for the 5th Semester Examinations.

3. Mr. S. Chakrawarty, learned Senior counsel assisted by Mr. E. Laloo, learned counsel, who has entered appearance on behalf of the respondent No. 4, i.e. the Principal, Shillong Law College has submitted that though the case of the petitioner may be genuine, however, the College is bound by the Rules of Legal Education, 2008, wherein with regard to the End Semester Test, the proviso for condonation is only to the extent of 65% for a particular subject, and 70% for overall attendance. He further submits that the petitioner having attended only 60% of all the classes, therefore as per the Rule, cannot be held to be eligible to take the Examinations.

4. Mr. S. Sen, learned counsel appearing for the respondents Nos. 1, 2 & 3, (NEHU) has submitted that the College being an affiliated College, the matter for condonation or any consideration thereof, is strictly within its purview, and the respondents Nos. 1, 2 & 3 have no jurisdiction or power to condone the shortfall in attendance.

5. Heard the learned counsel for the parties and perused the materials on record. The provision regarding redressal for shortfall in attendance for taking the End Semester Test, is contained in Rule 12 of



the Rules of Legal Education, 2008, which for the sake of convenience is reproduced hereinbelow:-

“12. End Semester Test.

No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest the Vice Chancellor or Director of a National Law University, or his authorized representative in the absence of the Dean of Law.”

6. A perusal of the same would show that for a student who fails to attend 70% of the classes held in any subject, the Dean or the Principal may allow the student to take the Test, if the student concerned attended at least 65% of the classes held in the subject concerned, and attended 70% of classes on all subjects taken together. The undisputed fact in the instant case, being that the student has only



obtained 60% attendance, the operation of the said Rule has therefore rendered him ineligible to sit for the End Semester Exams.

7. Though this Court understands the predicament that the student is facing, however, due to the mandate of law, no relief can be forthcoming by way of the instant petition.

8. For the above stated reasons, the prayer cannot be allowed, and the writ petition is closed and accordingly disposed.

JUDGE

Meghalaya
03.12.2024
"V. Lyndem-PS"