

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

INDEX

S Nos.	Particulars	Page Nos	C Fees
1.	Listing proforma	4	
2.	Court fees	5	
3.	Urgent Application	6	
4.	Notice of Motion	7	
5.	Memo of Parties	8-10	
6.	Synopsis and List of dates	11-14	
7.	The petitioner prefers this writ petition under art. 226 of the constitution of india seeking a writ of mandamus or any other appropriate writ, order, directions from this hon’ble court in the nature of mandamus or any other appropriate writ, order, directions of like nature directing the respondents to set-up mechanism to allow the petitioners herein to be allowed to take supplementary examinations for papers of first, second,	15-33	

	third and fourth semester respectively with the supplementary examinations for the papers of fifth and sixth semester as and when they are scheduled by the faculty of law, university of delhi and that the impugned notification dated be quashed and/or set-aside vis-a -vis petitioners		
8.	Prayer	33	
9.	Affidavits	34-37	
10.	ANNEXURE P-1 A copy of the college id card, fee slips and screenshot of the result	38-41	
11.	ANNEXURE P-2 Copy of the impugned notification dated 22.08.2017 and notice dated 09.10.2017	42-50	
12.	ANNEXURE P-3 Copy Of The Representation Sent And The Reply received from Respondent No.2	51-53	
13.	ANNEXURE P-4 True The copy of the judgement of this Hon'ble Court in Aditiya N Prasad v University of Delhi	54-64	

14.	ANNEXURE P-5 True The order dated 05.11.2011 of the judgement of this Hon’ble Court in Aditiya N Prasad v University of Delhi	65	
15.	APPLICATION SEEKING EXEMPTION FROM FILING DULY AFFIRMED AFFIDAVIT(s) AND COURT FEES	66-71	
16.	Vaklatnama	72-73	
17.	Proof of service	74	

Through

Petitioner

Filed By -

Advocate Amit Sharma

Advocate Satyam Singh

NEW DELHI

DATE-

TO BE TYPED or PRINTED

LISTING PROFORMA

Page1

INSTRUCTIONS :

1. ONLY TYPE the information in the relevant boxes. 3. DO NOT Staple the Sheet.

2. DO NOT TYPE OUTSIDE THE BOXES.

IN THE HIGH COURT OF DELHI AT NEW DELHI

Case Type

Writ Petition (C)

Number

OF

Year

2020

IN THE MATTER OF:-

NAME

Sandesh Jha and Others

.....FIRST PLAINTIFF / PETITIONER

VS

NAME

University of Delhi and Others

....FIRST DEFENDANT / RESPONDENT

1 (a) Case Category

Writ Petition (C)

(b) Case Category

2 (a) Date of Decision of Court / Authority of First Instance

(b) Case Particulars

Number

OF

(c) Authority passing the above order

3(a) Date of Decision of Appellate / Revisional Court / Authority

(b) Case Particulars

Number

OF

(c) Court / Authority passing the above order

4(a) Similar Matter Case Type

Number

OF

(b) Date of Decision

5 Statute Involved

Date of Imposed order

Final order

Interlocutory order

DATE

Lawyers Code

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

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University of Delhi and ors

... Respondents

COURT FEES

Filed By -
Advocate Amit Sharma

Advocate Satyam Singh

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

URGENT APPLICATION

Deputy Registrar

High Court of Delhi, New Delhi

Sir,

Will you kindly treat the accompanying petition and application as an urgent one in accordance with the High Court Rules and Orders.

The grounds of urgency are as prayed in the prayer clause of the Petition and the accompanying application.

It is prayed that the matter be listed on _____.

Yours Faithfully,

Filed By -
Petitioners

NEW DELHI
DATE-

Advocate Amit Sharma

Advocate Satyam Singh

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

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University of Delhi and ors

... Respondents

NOTICE OF MOTION

Ld. Counsels for Respondents,

Delhi High Court, New Delhi

Sir,

The enclosed writ petition by the Petitioner is coming up for hearing on

Petitioner

Through

Filed By -
Petitioners

NEW DELHI

DATE- Advocate Amit Sharma

Advocate Satyam Singh

IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

MEMO OF PARTIES

1. Sandesh Kamlesh Jha

...Petitioner No. 1

2. Shashank Rai

.... Petitioner No.2

Versus

1. University of Delhi

Through,

Registrar

Office of the Registrar,

Vice Regal Lodge,

University of Delhi,

Delhi - 11007.....Respondent No.1

2. Faculty of Law

Through

Dean

Chattra Marg, University of Delhi

Delhi 110007.....Respondent No2

3. Bar Council Of India

Through

Secretary

21, Rouse Ave Institutional Area Rd, near Bal Bhawan,
Rouse Avenue, Mata Sundari Railway Colony,
Mandi House, New Delhi,

Delhi 110002.....Respondent No3

Petitioner

Through

NEW DELHI

Filed By -
Petitioners

Advocate Amit Sharma

Advocate Satyam Singh

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

SYNOPSIS

The petitioner prefers this Writ Petition under Art. 226 of the Constitution of India seeking a writ of Mandamus or any other appropriate Writ, Order, Directions from this Hon'ble Court in the nature of Mandamus or any other appropriate Writ, Order, Directions of like nature directing the Respondents to set-up mechanism to allow the petitioners herein to be allowed to take Supplementary Examinations for papers of first, second, third and fourth semester respectively with the supplementary examinations for the papers of fifth and sixth semester as and when they are scheduled by the Faculty of Law, University of Delhi

That the Respondents herein have issued notification dated 22.08.2017 after the Petitioners herein had secured the admission in the faculty in month of July 2017, the Respondents vide the said notification have changed the method of conducting supplementary examinations for the final year students, wherein the Respondents have done away with the opportunity of reappearing and attempting supplementary

examination for any backlog paper that they may have from first, second, third and fourth semester, thereby depriving the Petitioners herein the opportunity to appear and clear their backlog paper with supplementary examination which are compulsorily held after the regular semester examination. Therefore, as per the impugned (new) rule, students can only attempting and appearing in the supplementary examination: student can now only attempt and appear for backlog paper/s that they might have in fifth and sixth semester exclusively, thereby diluting the principle of supplementary examination and also forcing the petitioners to appear in regular course of examination, thereby causing the petitioner to wait and lose 9-10 months for graduation.

That Respondents have revised the earlier rule and brought forth the said impugned rule of excluding all backlog semester paper other than fifth and sixth semester supplementary examination by erroneously interpreting the judgement of this Hon'ble Court in the matter of Aditiya N Prasad (W.P (c) 7365/2011), wherein their lordships have made no such observation, reference and or direction in the judgement from which it can be interpreted that the rule of supplementary examination is required to be changed.

That the said notification dated 22.08.2017 cannot be applied to the present batch of the Petitioners, as the said rule was notified after the petitioners have acquired admission to the university and therefore the said notification cannot apply to the Petitioners.

That the Petitioners humbly seek the intervention of this Hon'ble Court in the present matter, as the educational endeavors of the petitioners herein will be delayed and stigmatized, if the said impugned notification dated ____/ is made applicable on the petitioners herein, thereby causing the petitioners irreparable loss to any and all future avocations that the Petitioners so wish to pursue.

Hence, this Writ Petition.

LIST OF DATES

2011	Judgement of this Hon'ble Court in the matter of Shri Aditiya N Prasad
July 2017	Petitioners acquire admission in the Respondent Faculty
22.08.2017	The Respondent Faculty issues the impugned notification

December 2019 Petitioners appear in the 5th Semester examination

20.05. 2020 Result for the fifth semester examination declared

Hence this writ petition

Petitioner

Through

NEW DELHI
DATE-

Advocate Amit Sharma

Advocate Satyam Singh

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

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.... Petitioners

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... Respondents

THE PETITIONER PREFERS THIS WRIT PETITION UNDER ART. 226 OF THE CONSTITUTION OF INDIA SEEKING A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER, DIRECTIONS FROM THIS HON'BLE COURT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER, DIRECTIONS OF LIKE NATURE DIRECTING THE RESPONDENTS TO SET-UP MECHANISM TO ALLOW THE PETITIONERS HEREIN TO BE ALLOWED TO TAKE SUPPLEMENTARY EXAMINATIONS FOR PAPERS OF FIRST, SECOND, THIRD AND FOURTH SEMESTER RESPECTIVELY WITH THE SUPPLEMENTARY EXAMINATIONS FOR THE PAPERS OF FIFTH AND SIXTH SEMESTER AS AND WHEN THEY ARE SCHEDULED BY THE FACULTY OF LAW, UNIVERSITY OF DELHI AND THAT THE IMPUGNED NOTIFICATION DATED BE QUASHED AND/OR SET-ASIDE VIS-A -VIS PETITIONERS

TO,

The Hon'ble Chief Justice of the Delhi High Court

And to the Companion Justices of the said Court

The humble Petitioner of this Petition

MOST RESPECTFULLY SHOWETH AS UNDER:

MOST RESPECTFULLY SHOWETH: -

ARRAY OF PARTIES

1. That the all Petitioner are final year student enrolled with the Respondent University in Faculty of Law, that the credentials of the Petitioners are as under

A copy of the college id card, fee slips and screenshot of the result has been attached herewith as **Annexure P-1**

2. That the Respondent No.1 is the University of Delhi, of which the Petitioners are *bonafide* students, and that the Respondent No.2 is the Faculty of Law of which the

Petitioners are regular student of pursuing degree of LL.B and the Respondent No.3 is the Bar Council of India, which has been tasked with the duty and responsibility of supervision over centers of legal excellence as the Rules of Legal Education, framed under the provisions of Advocates Act, 1961.

Brief Facts

3. That the present Petition is for seeking a Writ in the nature of Mandamus or any other appropriate Writ, Order directing the Respondents to set-up mechanism to allow the petitioners herein to be allowed to take Supplementary Examinations for papers of first, second, third and fourth semester respectively with the supplementary examinations for the papers of fifth and sixth semester as and when they are scheduled by the Faculty of Law, University of Delhi.
4. That the Respondents herein have issued notification dated 22.08.2017, the Respondents vide the said notification have changed the method of conducting supplementary examinations for the final year students, wherein the Respondents have done away with the opportunity of reappearing and attempting supplementary examination for any backlog paper that they may have from first, second, third and fourth semester, thereby

depriving the Petitioners herein the opportunity to appear and clear their backlog paper with supplementary examination which are compulsorily held after the regular semester examination. Therefore, as per the impugned (new) rule, students can only attempting and appearing in the supplementary examination: student can now only attempt and appear for backlog paper/s that they might have in fifth and sixth semester exclusively, thereby diluting the principle of supplementary examination and also forcing the petitioners to appear in regular course of examination, thereby causing the petitioner to wait and lose 9-10 months for graduation. That the copy of the notification dated 22.08.2017 has been attached herewith as **Annexure P-2**

5. That the said impugned notification, cannot be applied to the present batch of the Petitioners, as the said rule was notified after the petitioners have acquired admission to the university and therefore the said notification cannot apply to the Petitioners, that the Petitioners had sought clarification on the applicability of the said rule on them. The copy of the representation sent and the reply received has been annexed herewith as **Annexure P-3**
6. That the three-year law course is conducted in six semesters -- two semesters for each year with exams

conducted in November (odd semester) and June (even semester).

7. That the rule as existed before the college notice, a candidate gets a chance to clear the backlogs in two supplementary exams after the sixth semester, if he or she is not able to clear them during the routine semestral exams, therefore the first supplementary exam is conducted in June for final year students having backlogs from first, third, and fifth semester, while the second supplementary exam is conducted in August or September to clear second, fourth and sixth semester (result for sixth semester having been announced in July).
8. However, vide the annexed notification the petitioner herein have been deprived of the aforementioned mentioned opportunity, to clear their respective backlog in the supplementary examinations as they were held each for odd (first, third and fifth) and even (second fourth and sixth) semester respectively
9. That due to the said change in the rule, the petitioners now have to wait for at least 6-7 months to appear in the exams and thereafter for another 3 months for the declaration of the result, causing the petitioners to lose more than half of the year.

10. That the impugned rule, has a further grave and detrimental effect on the number of opportunities that are made available to the final year student to clear their backlog and pass the examination, as before the said notification a final year student had three opportunities in each year to clear their backlog: two opportunities per regular semester and one more opportunity per supplementary exam. However, due to the said impugned rule, the student now only is presented with two opportunities per semester by way of appearing alongside students who are appearing for their regular exam as an ex-student.

11. That as per the rules of Respondent No.1 an ex-student has 3 addition years over and above the regular period to clear the examinations and graduate. Therefore, before the application of the said notification an ex-student had a total of 3 attempts per academic year, and a total of 9 attempts per academic year, but due the impugned notification the ex-student now only has 6 attempts every academic year, thereby depriving the petitioner herein to avail the said 9 opportunities.

Factual Situation as per pervious rule	Factual Situation as per the impugned rule/notification
--	---

First year	First year
i. First Semester- if backlog in any paper no chance for improvement	i. First Semester- if backlog in any paper no chance for improvement
ii. Second Semester- if backlog in any paper no chance for improvement	ii. Second Semester- if backlog in any paper no chance for improvement
Second Year	Second Year
III. Third Semester- Chance to re-appear and clear backlog of first semester (1 st opportunity)	III. Third Semester- Chance to re-appear and clear backlog of first semester (1 st opportunity)
IV. Fourth Semester- Chance to re-appear and clear backlog of first semester (1 st opportunity)	IV. Fourth Semester- Chance to re-appear and clear backlog of first semester (1 st opportunity)
Third Year	Third Year
V. Fifth Semester- Chance to re-appear and clear backlog of first and	V. Fifth Semester- Chance to re-appear and clear backlog of first and

third semester (2 nd opportunity)	third semester (2 nd opportunity)
VI. Sixth Semester – Chance to re-appear and clear backlog of second and fourth semester (2 nd opportunity)	Vi. Sixth Semester – Chance to re-appear and clear backlog of second and fourth semester (2 nd opportunity)
Supplementary	Supplementary
Odd Semester Supplementary – Chance for student to re-appear and clear backlog of first, third and fifth semester (3rd Opportunity) Even Supplementary – Chance for the student to re-appear and clear backlog of second, fourth and sixth semester (3rd Opportunity)	Only opportunity to appear and clear backlog if any of the fifth semester and sixth semester (Final Year papers only)
Total no. of opportunity – For odd sem – 3 For even sem - 3	Total no. of opportunity For odd sem -2 For even sem- 2

12. That Respondents have revised the earlier rule and brought forth the said impugned rule of excluding all backlog semester paper other than fifth and sixth semester supplementary examination by erroneously interpreting the judgement of this Hon'ble Court in the matter of Aditya N Prasad (W.P (c) 7365/2011), wherein their lordships have made no such observation, reference and or direction in the judgement from which it can be interpreted that the rule of supplementary examination is required to be changed. The copy of the judgement has been annexed herewith as **Annexure P-4**.
13. That it is further stated that the question/issue before the Hon'ble Court in the Aditya N Prasad case, was whether a student in 4th semester (second year) be allowed to sit in the supplementary exams to clear the backlog of the paper that he/she may have in the first and third semester, the same can be observed for the order dated 05.11.2020 in the said case. The copy of the order has been attached herewith as **Annexure P-5**.
14. That the impugned notification further states that the said notification is brought forth in compliance with Rules of Education, Bar Council of India, however, the Bar Council of India exercises no power under the said rules in matters of procedure to conduct examination and

therefore the impugned notification on the touchstone of the said Rules of Legal Education does not pass the muster.

15. That the duty and the role of the university is to assist, aid and provide support for the educational endeavors of the students and to further their careers by providing the opportunity to graduate and enter the workforce, however, the impugned notification/rule is contrary to the stated established principle and creates punitive circumstances for the student wherein the student is forced to suffer and lose an year from his/her potential career.

16. That it is trite in law that any rule and law must have nexus with the purpose that it seeks to resolve, however in the said impugned notification does not have any nexus with the purpose of supplementary examination, the purpose of supplementary examination is to give an opportunity to the students to clear backlogs and graduate as a regular student, however vide the said impugned notification Respondents have deprived the petitioners herein of the said opportunity and purpose which is sought to be resolved by the conduct of the supplementary examinations.

17. That the petitioners preemptively submit, that the Respondents herein cannot and should find holding of supplementary examination a difficulty as the University vide notification dated 30.05.2020 have certainly not found it difficult to hold semester examination twice in an year for the purposes of policy and inclusion and therefore, the Respondent herein can allow and conduct semester examinations as per odd and even scheme as done previously.
18. That the Petitioners humbly seek the intervention of this Hon'ble Court in the present matter, as the educational endeavors of the petitioners herein will be delayed and stigmatized, if the said impugned notification dated is made applicable on the petitioners herein, thereby causing the petitioners irreparable loss to any and all future avocations that the Petitioners so wish to pursue.
19. That the petition prefers this Writ petition, inter-alia, on the grounds, amongst which the others are;

GROUND

- A. That this Hon'ble court in the case of *Vikas Bhaskar vs University Of Delhi And Anr in W.P.(C) 1944/2018* has held that the said impugned notification cannot apply retrospectively to the students

- B. That the Petitioners at time of securing admission were bound by the rules which were practiced *ante* impugned notification
- C. That it is trite in law that the courts have the jurisdiction to review statutory rules and order on the touchstone of reasonableness.
- D. That it is settled law, that any provision and or statute must have a reasonable nexus with the purpose that it seeks to address, *in absentia* of such nexus shall cause to make statute arbitrary.
- E. That it is settled law, that retrospective application of statute cannot cause to impede on the rights of those on which the said law is sought to apply, and that any such application is unconstitutional.
- F. That law executed on misinterpretation of the statute/article is *void ab initio* therefore cannot be given any effect.
- G. The Hon'ble Supreme Court in ***M. Surender Reddy vs State of Andhra Pradesh (2015) 8 SCC*** authoritatively laid down –
- “In absence of any express or necessarily implied provision in the statute, normally statute affects the rights prospectively.*

A statutory provision is held to be retrospective either when it is so declared by express terms, or the intention to make retrospective clearly follows from the relevant words and the context in which they occur."

H. The Hon'ble Supreme Court in **Mst. Rafiquennessa vs. Lal Bahadur Chetri and others, AIR 1964 SC 1511** laid down –

"It is not disputed by him that the legislature is competent to take away vested rights by means of retrospective legislation. Similarly, the legislature is undoubtedly competent to make laws which override and materially affect the terms of contracts between the parties; but the argument is that unless a clear and unambiguous intention is indicated by the legislature by adopting suitable express words in that behalf, no provision of a statute should be given retrospective operation if by such operation vested rights are likely to be affected. These principles are unexceptionable and as a matter of law, no objection can be taken to them."

I. That the Hon'ble Supreme Court in **Vice Chancellor, MDU University, Rohtak v. Jahan Singh 2007 (5) SCC 77** held that-

“The Act does not confer any power on the Executive Council to make a regulation with retrospective effect. The purported regulations, thus, could not have been given retrospective effect or retro-active operation as it is now well-settled that in absence of any provision contained in the legislative Act, a delegatee cannot make a delegated legislation with retrospective effect.”

J. The hon’ble Supreme Court in ***Mahabir Vegetable Oils (P) Ltd. and Another v. State of Haryana and Others*** **[(2006) 3 SCC 620]** stated;

"41. We may at this stage consider the effect of omission of the said note. It is beyond any cavil that a subordinate legislation can be given a retrospective effect and retroactive operation, if any power in this behalf is contained in the main Act. The rule-making power is a species of delegated legislation. A delegatee therefore can make rules only within the four corners thereof"

K. That this Hon’ble Court in ***Vikas Bhaskar vs University Of Delhi And Anr*** **(W.P (C) 1944/2018)** while dealing with the same impugned notification observed and ruled –

Pursuant to the University of Delhi's notification dated 01.04.2015, the Petitioners had taken admission in Faculty of Law, University of Delhi for the LLB Course

commencing in the academic year 2015-16 and concluding in 2017-18. At the time when the Petitioners had taken admission in the said course, the syllabus and scheme of examination for the same had been laid down vide notification dated 14.11.2014 bearing no. CNC-II/093/2014, which contained a specific clause pertaining to supplementary examination. For the sake of ready reference, the said clause is reproduced hereinbelow:

"Supplementary Examination After the completion of six terms, a student of LLB may take supplementary examination in any paper of I or III term alongwith the V term supplementary examination and in any paper of II or IV term alongwith the VI term supplementary examination held for the purpose: Provided that all the thirty papers required for getting the LLB degree have to be cleared within the span period of six years."

The scheme for the said supplementary examination, as noted above, was duly mentioned in the prospectus issued for the year 2015- 16 and, in fact, it is the Petitioners' contention that the same continued to be reflected on Faculty of Law's website till as late as March, 2018. While the Petitioners were in the 5th

semester, the University of Delhi put up the Impugned Notice dated 09.10.2017 on the notice board of Faculty of Law, stating inter alia as follows:

"In case a student of V and VI term has not cleared any paper or papers of I, II, III and IV terms, he/she would clear the same by taking the respective examinations of V and VI terms held at the end of each term."

13. Having heard the learned counsels for the parties and having considered their rival contentions, I find that the limited question before the Court is whether, in the facts of the present case, the University of Delhi can apply the Impugned Notice to students who had taken admission prior to the academic year 2017-18, when they had a legitimate expectation that their supplementary examinations would, as per the notification dated 14.11.2014, be held at the end of their 6th semester regular examinations.

18. The curriculum of any given degree course does not merely include the syllabus of the subjects of study offered in that course, but also includes the examination pattern and examination schedules for the duration of the said course. While there can be no doubt about the power of the

University of Delhi to make changes to the curriculum of its LLB Course, it cannot make any such changes unilaterally, and that too without any justifiable reason. During the course of final arguments, it had been put to the learned counsel for the University of Delhi as to why the statutory rules pertaining to supplementary examinations were being changed so belatedly and being retrospectively applied to the Petitioners, who had for two years planned their examination schedule according to the unamended provisions. However, no reasonable explanation was offered as to why the Petitioners, who have already completed two-thirds of the entire duration of their LLB course, are being disadvantaged in such a manner.

18 Thus, I find that the Impugned Notice dated 09.10.2017, insofar as it applies retrospectively to students who took admission prior to the academic year 2017-18, is wholly arbitrary and is, therefore, quashed to that extent. In my opinion, the students who had taken admission before the academic year 2017-18 deserve at least one opportunity to take their supplementary examinations as per the unamended ordinance. Accordingly, the University of Delhi is directed to grant one opportunity to all the students of the LLB Course, who had taken admission prior to the academic year 2017-18, to take their supplementary examinations as

per the unamended rules/ordinance contained in notification dated 14.11.2014.

L. That the Petitioners have secured admission in the academic year 2017-2018 and thus the impugned notification does not apply to the Petitioners herein

20. That the Petitioners have not filed any writ petition in any other court or any other petition of similar nature in any court of law apart from the instant writ petition before this Hon'ble Court.

21. That the Petitioners herein have the means and is in a position to pay the costs, if any, imposed by the Hon'ble Court.

22. That the present Petition under Article 226 of the Constitution of India is the appropriate remedy and no other equally efficacious remedy is available to the Petitioner.

Prayer

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

1. Issue an appropriate writ, order or direction in the nature of Mandamus directing the Respondents herein to set aside the application of the impugned notification dated 22-08-2017 and notice dated 9.10.2017 on the Petitioners

2. Issue an appropriate writ, order or direction in the nature of Mandamus to quash and set-aside impugned notification dated 22-08-2017 and notice dated 9.10.2017
3. Issue an appropriate writ, order or direction in the nature of Mandamus directing the Respondents herein to conduct supplementary examination as per the provisions that existed before the impugned notification impugned notification dated 22-08-2017 and notice dated 9.10.2017

And;

Pass Any other order/orders, direction/directions that this Hon'ble Court may deem fit in the interest of justice;

New Delhi

Petitioners

Advocate Amit Sharma

Advocate Satyam Singh

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

AFFIDAVIT

I, Sh. Sandesh Jha

do hereby solemnly affirm and declare

as under:

1. I have filed the present petition as a Petitioner No.1 and that the details of the Petition have been read to me in my vernacular and have been understood by me and that the said petition is filed by my lawyer upon my instructions
2. The contents of the accompanying Petition including list of dates and synopsis, grounds (1 to 21), contents from Para No. 1 to Para No. 21 are true and correct to the best of my knowledge and the last para is Prayer to this Hon'ble Court.
3. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material /information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

4. That the deponent has not filed such or similar Petition, earlier, in this Hon'ble Court or in any other Court, nor such a Petition is pending before any Hon'ble Court

5.

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____the day of _____, 2020 that the contents of my above affidavit are true and correct to my knowledge; no part of it is false and nothing has been concealed therein.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

AFFIDAVIT

I, Sh.

do hereby

solemnly affirm and declare as under:

1. I have filed the present petition as a Petitioner No.2 and that the details of the Petition have been read to me in my vernacular and have been understood by me and that the said petition is filed by my lawyer upon my instructions
2. The contents of the accompanying Petition including list of dates and synopsis, grounds (1 to 31), contents from Para No. 1 to Para No. 21 are true and correct to the best of my knowledge and the last para is Prayer to this Hon'ble Court.
3. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material /information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

4. That the deponent has not filed such or similar Petition, earlier, in this Hon'ble Court or in any other Court, nor such a Petition is pending before any Hon'ble Court

DEPONENT

VERIFICATION:

Verified at New Delhi on this ____the day of _____, 2020 that the contents of my above affidavit are true and correct to my knowledge; no part of it is false and nothing has been concealed therein.

DEPONENT

University of Delhi

Printed On: 2020-05-27 17:03:15



दिल्ली विश्वविद्यालय

University of Delhi

FEE RECEIPT

Name

SANDESH KAMLESH JHA

Transaction No:

19091155829637

Email

sandyjha10@gmail.com

Order ID:

82783

Mobile

9029640128

Date:

2019-09-11 16:35:11

Enrollment No.

na

Details of the Fee

Date of Birth

21-12-1995

Program Name

L.L.B.

Father's Name

JHA KAMLESH LAXMAN

Department

Law Centre I

Mother's Name

na

Year/Semester

5th

Roll No.

185130

S.No.	Fee Type	Unit	Fee Per Unit	Amount
1.	Semester Fee (existing students)	1	1 x 4	4653.00
2.	Late Fees			0.00
	Total Amount			4653
	Amount Paid			4653.00

Fee Payment is subject to realisation of Online Payment. It may take 2-3 working days.

This is a computer generated receipt, no seal/signature is required. It is advised to check the details on the receipt. In case of any discrepancy, please contact the concerned department/college.

For office use only

Received amount 4653.00 from SANDESH KAMLESH JHA for Semester Fee (existing students) Payment made on 2019-09-11 16:35:11, Transaction no. 19091155829637, Order ID 82783

Authorised Signatory

Page 1 of 1

Annexure P-1

Roll No.	Name of Candidate	T I (Out of 500)	E R M S III (Out of 500)	S V (Out of 500)
LAW CENTRE-I				
171544	SAGAR KUMAR INDRACPV KUMAR			302
171546	SAHIL RATHEE NARESH KUMAR RATHEE		LB-3031 (ER-LB-301)	258
171548	SAIFULLAH SHAMEEM AHMAD			302
171550	SALMANI GULAM RABBANI			268

GULAM JILANI				
171552	SAMEER KUMAR SANJAY KUMAR SINGH			291
171554	SANDEEP KUMAR RAJENDRA SHARMA		279	303
171555	SANDEEP KUMAR RAMESH KUMAR		259	270
171556	SANDEEP KUMAR JAGDISH SINGH	Failed	Failed	LB-501, 503
171558	SANDESH KAMLESH JHA JHA KAMLESH LAXMAN		LB-304	LB-501, 502
171559	SANGAM NARENDER		Failed	LB-501, 503, 5035
171561	SANJEEV KUMAR UDAY SINGH		252	297
171562	SANJIV KUMAR RAMA SHANKAR SINGH			LB-501, 502, 503, 5035
171571	SAURABH JAIVEER SINGH	253	264	275
171572	SAURABH GAKHAR SURENDER GAKHER		239	255
171573	SAURAV RADHEY SHYAM		241	277

Contd.2/31

- 31 -

UNIVERSITY OF DELHI

LL.B. FIFTH TERM EXAMINATION, 2019.

Roll No.	Name of Candidate	T I (Out of 500)	E R M S III (Out of 500)	S V (Out of 500)
LAW CENTRE-I				
171575	SAURAV KUMAR SHARMA DHARMEC SHARMA			298
171576	SEEMA AMAR SINGH			302
171578	SHAHRUKH KHAN SHARAFAT ALI		261	LB-501, 502, 503, 5035
171581	SHALPESH KUMAR SINGH CHANDRA BHAN SINGH	288	Failed	263
171583	SHALINI ARYA			313

Annexure P-1

University of Delhi

Printed On: 2020-05-27 13:43:13



दिल्ली विश्वविद्यालय
University of Delhi

FEE RECEIPT

Name	SHASHANK RAI	Transaction No.:	19091155831770
Email	shashankraiau@gmail.com	Order ID:	82818
Mobile	8381810670	Date:	2019-09-11 17:24:28
Enrollment No.	1ELCIBLLB000020	Details of the Fee	
Date of Birth	13-07-98	Program Name	L.L.B.
Father's Name	arvind rai sharma	Department	Law Centre I
Mother's Name	punam rai	Year/Semester	5th
Roll No.	196508		

S.No.	Fee Type	Unit	Fee Per Unit	Amount
1.	Semester Fee (existing students)	1	1 x 7	75.00
	Total Amount			75
	Amount Paid			75.00

Fee Payment is subject to realisation of Online Payment. It may take 2-3 working days.
*This is a computer generated receipt, no seal/signature is required. It is advised to check the details on the receipt. In case of any discrepancy, please contact the concerned department/college.

For office use only
Received amount **75.00** from **SHASHANK RAI** for **Semester Fee (existing students)** Payment made on **2019-09-11 17:24:28**,
Transaction no. **19091155831770**, Order ID **82818**
Authorised Signatory

SHARAFAT ALI				503,5033
171581	SHAILESH KUMAR SINGH CHANDRA BHAN SINGH	288	Failed	263
171583	SHALINI ARYA			313
JAIVINDRA SINGH				
171584	SHALVI MISHRA RAJESH CHANDRA MISHRA		299	303
171586	SHASHANK RAI ARVIND RAI SHARMA	Failed	Failed	LB-501,502, 503,5033
171587	SHASHANK SHEKHAR UPADHYAY RAVINDRA UPADHYAY		279	270
171589	SHEENU PRIYA ALOK KUMAR SINGH			291
171590	SHEETAL RAKESH KUMAR			261
171592	SHILPI JAIN SANJEEV JAIN			311
171594	SHIVA NARANG PRABHAT NARANG			316
171595	SHIVAM DWIVEDI B R DWIVEDI			252
171596	SHIVAM RAINA RAJEEV RAINA		LB-301,302	291
171597	SHIVAM SHANDILYA GHANSHYAM DAS DHARMA			284
				Contd.P/32
- 32 -				
UNIVERSITY OF DELHI				
LL.B. FIFTH TERM EXAMINATION, 2019.				
Roll No.	Name of Candidate	T I (Out of 500)	E R M S V (Out of 500)	(Out of 500)
LAW CENTRE-I				
171598	SHIVAM SINGH PURUSHOTTAM SINGH		266	295
171599	SHIVANGI GUPTA SURENDER SINGH		274	278
171600	SHIVANI KASHYAP RAKESH KUMAR		263	278
171601	SHIVANSHU MAHESHWARI MUKESH KUMAR MAHESHWARI			288
171602	SHOYAB KHAN HARUN KHAN		LB-302,304	276
171603	SHRAWAN KUMAR			LB-501,502,
RAM PRATAP				
171604	SHREYA SETH SANDEEP SETH	264	295	LB-501,502, 503
171605	SHREYA SHARMA MANOJ SHARMA			281



दिल्ली विश्वविद्यालय
University of Delhi

परिषद् शाखा / Council Branch-I

कमरा संख्या / Room No.- 212

नया प्रशासनिक खंड / New Administrative Block,

दिल्ली / Delhi-110007

दूरभाष / Telephone-27001155

Ref. No. CNC-I/ A.C.(I)Res/2017/

Dated : 22.08.2017

Enclosed please find herewith Academic Council **Resolution No. 6-6** dated **20-23 June, 2017** and Executive Council **Resolution No. 8-6** dated **03.07.2017/14-15.07.2017** alongwith **appendix** for information and necessary action at your end.

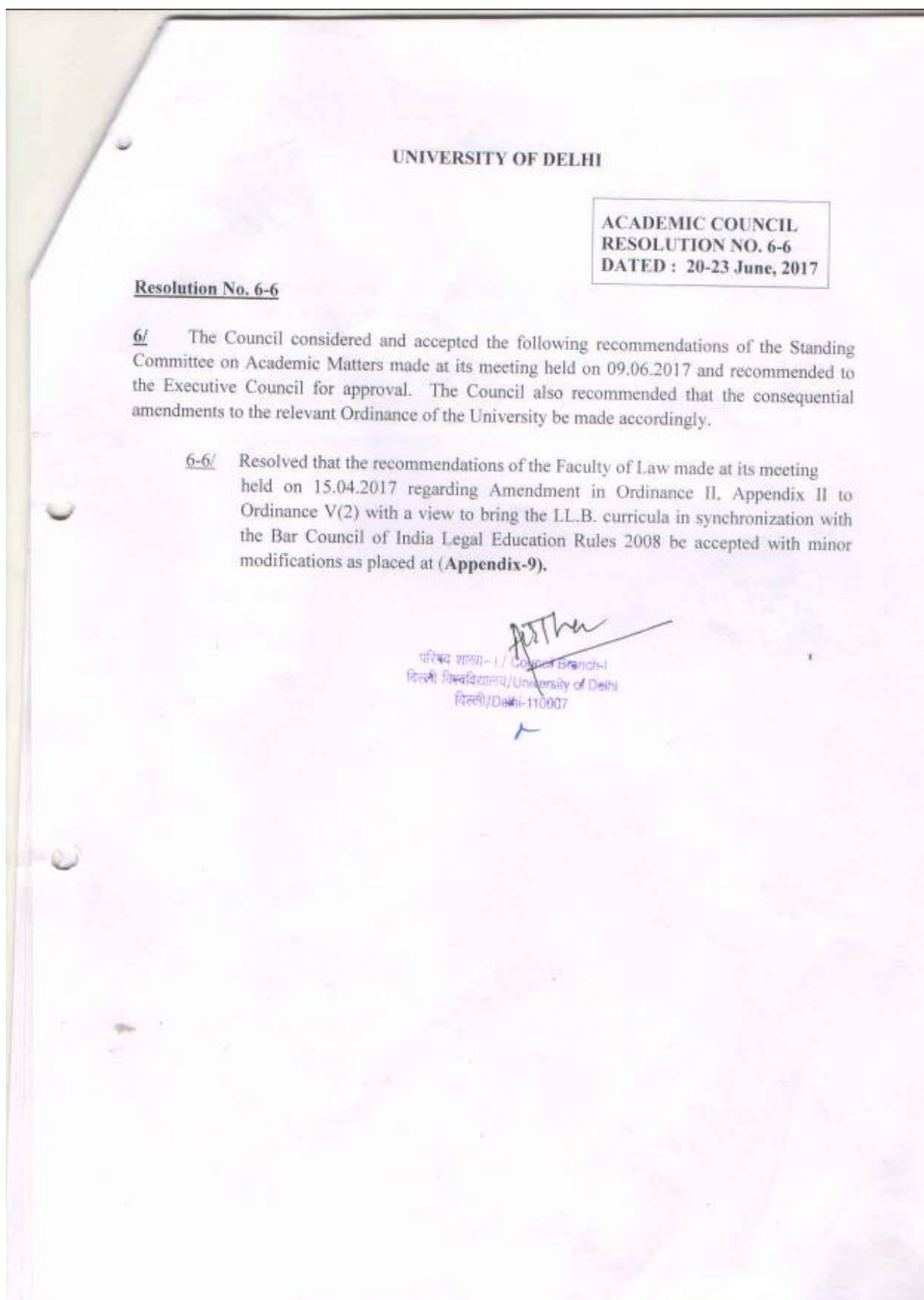
*File on record. Also it may
be uploaded on Law Faculty website by Mr. Sival*
K
4-9-17

Yours faithfully,

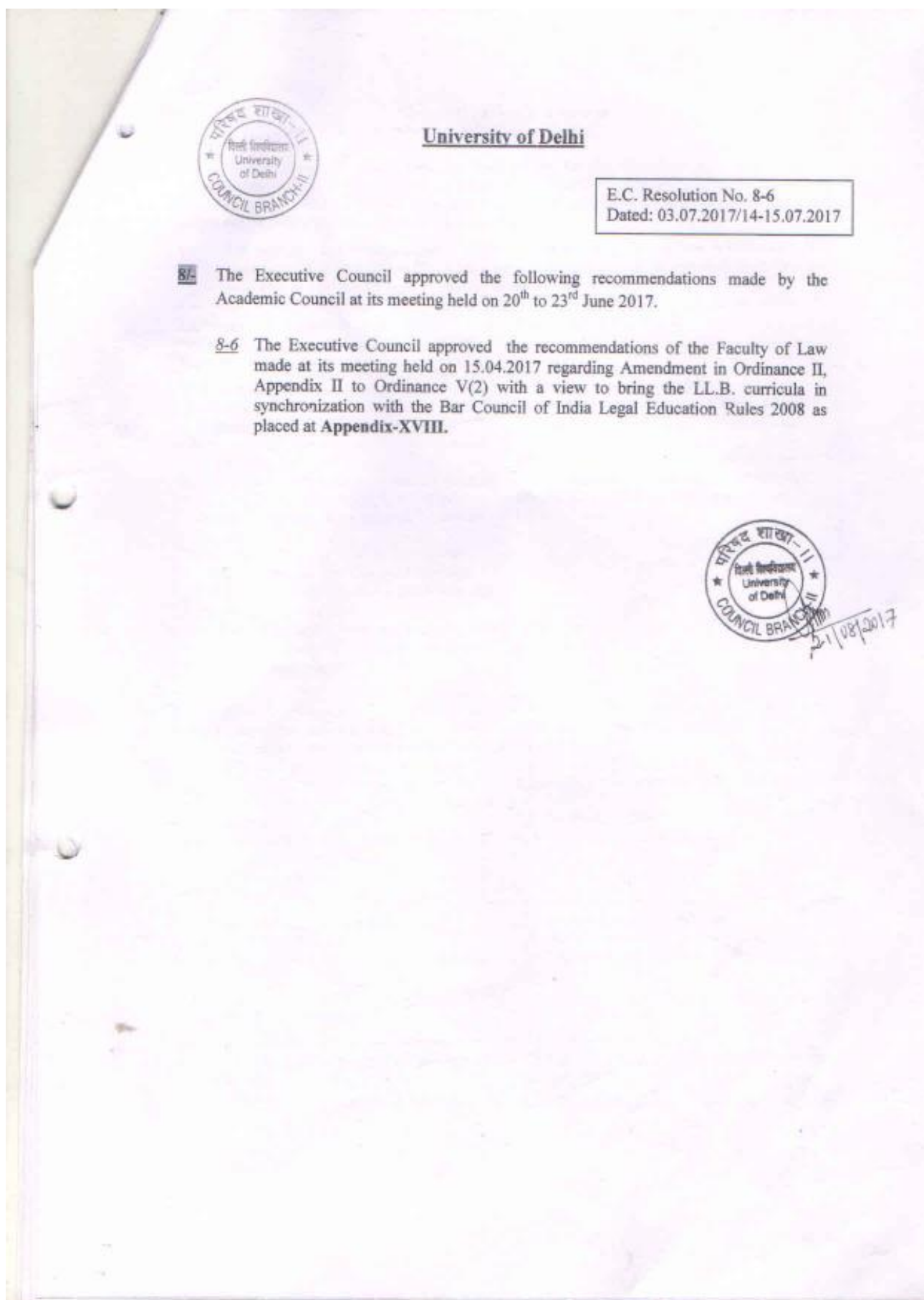
[Signature]
Section Officer (Council-I)

The Dean
Faculty of Law,
University of Delhi,
Delhi-110007.

CNC-I/IR-50
23/08/17



Annexure P-2



Annexure P-2

Revised Syllabus LL.B. Course

Enclosure 'A'

The following amendments have been approved by the Faculty of Law in its meeting held on 5.11.2016 and 15th April, 2017 and in an e-meeting on 25.4.2017, and reconsidered in the light of observations received from Deputy Dean, Legal held on 15th April 2017. The same may be presented before the Academic Council / Executive Council for approval:

1. **Changes in the existing scheme of LL.B. courses in the Faculty of Law in Ordinance II, Appendix II to Ordinance V(2) with a view to bring the LL.B. curricula in sync with the Bar Council of India Legal Education Rules 2008:**

Current LL.B. Curricula as notified by Notification No. CNC-II/093/2014 dated 14 th November 2014	Revised LL.B. Curricula
1st Term: Compulsory Subjects: LB-101: Jurisprudence-I (Legal method, Indian legal system, and Basic Theory of Law). LB-102: LB-102: Principles of Contract (General Principles) LB-103: Law of Torts (Nature, General Principles, General Defences, specific Torts, Motor Vehicle Accidents and Consumer Protection Laws) LB-104: Law of Crimes:: Indian Penal Code (Specific Offences and General Principles) LB-105 : Family Law-I (Hindu Law of Marriage, Adoption and Maintenance, Minority and Guardianship, Muslim Law of Marriage, Divorce and Dowry and Acknowledgement of Paternity, Wakfs and Endowments)	1st Term: Compulsory Subjects: LB-101: Jurisprudence-I (Legal Method, Indian Legal System, and Basic Theory of Law). LB-102: LB-102: Law of Contract LB-103: Law of Torts including Motor Vehicle Accidents and Consumer Protection Laws LB-104: Law of Crimes:: Indian Penal Code LB-105: Family Law-I
2nd Term: Compulsory Subjects LB-201: Evidence Law (Law of Evidence in India) LB-202: Family Law II (Hindu Law of Joint Family, Partition and Debts, Gifts, Wills, Hindu Succession Act and Muslim – General Principles of Inheritance) LB-203: Law of Crimes II – Criminal Procedure Code (General Principles) LB-204: Property Law LB-205: Public International Law	2nd Term: Compulsory Subjects LB-201: Law of Evidence LB-202: Family Law II LB-203: Law of Crimes II – Criminal Procedure Code LB-204: Property Law LB-205: Public International Law
3rd Term: Compulsory Subjects: LB-301: Constitutional Law – I LB-302: Code of Civil Procedure and Limitation Act LB-303: Company Law LB-304: Special Contracts (Partnership, Sale of Goods)	3rd Term: Compulsory Subjects: LB-301: Constitutional Law – I LB-302: Code of Civil Procedure and Limitation Act LB-303: Company Law LB-304: Special Contracts
3rd Term: Optional Subjects (Opt any one of the following): LB- 3031- Media Law and Censorship (including	3rd Term: Optional Subjects (Opt any one of the following): LB- 3031- Media and Law

Annexure P-2

Self- Regulation) LB- 3032- Private International Law LB- 3033- Legal Philosophy including Theory of Justice LB- 3034- Law of Crimes (Socio-economic Offences etc.)	LB- 3032- Private International Law LB- 3033- Legal Philosophy including Theory of Justice LB- 3034- White Collar Crimes
4th Term: Compulsory Subjects LB-401: Constitutional Law – II LB-402: Administrative Law LB-403: Labour Law LB-404: Intellectual Property Rights Law-I	4th Term: Compulsory Subjects LB-401 : Constitutional Law – II LB-402 : Administrative Law LB-403: Labour Law
4th Term : Optional Subjects (Opt any one of the following): LB- 4031: Gender Justice and Feminist Jurisprudence LB- 4032: International Institutions LB- 4033: Competition Law LB- 4044: Legislative Drafting LB- 4035: Humanitarian and Refugee Law	4th Term : Optional Subjects (Opt any two of the following): LB- 4031: Gender Justice and Feminist Jurisprudence LB- 4032: International Institutions LB- 4033: Competition Law LB- 4034: Legislative Drafting LB- 4035: Humanitarian and Refugee Law LB- 4036: Intellectual Property Rights Law-I (same as LB-404)
5th Term: Compulsory Subjects LB-501: Arbitration, Conciliation and Negotiation LB-502: Drafting Pleadings and Conveyance LB-503: Industrial Law LB-504: Intellectual Property Rights Law-II	5th Term: Compulsory Subjects LB-501 : Moot Court Exercise and Internship (Same as LB-606 OC) LB-502: Drafting Pleadings and Conveyance LB-503: Industrial Law
5th Term: Optional Subjects (Opt any two of the following): LB- 5031: Information Technology Law LB- 5032: Jurisprudence – II LB- 5033: Criminology LB- 5034: International Trade Law LB- 5035: Rent Control and Slum Clearance LB- 5036: Business Regulations	5th Term: Optional Subjects (Opt any two of the following): LB- 5031: Information Technology Law LB- 5032: Jurisprudence – II LB- 5033: Criminology LB- 5034: International Trade Law LB- 5035: Rent Control and Slum Clearance LB- 5036: Business Regulations LB- 5037: Intellectual Property Rights Law-II
6th Term: Compulsory Subjects LB-601: Advocacy, Ethics and Professional Accounting System LB-602: Moot Court Exercise and Internship (including Interviewing Techniques and Pre-trial Preparation) LB-603: Environmental Law LB-604: Taxation Law	6th Term: Compulsory Subjects LB-601: Professional Ethics and Accounting System LB-602: Alternate Dispute Resolution (same as LB-505: Arbitration, Conciliation and Negotiation OC) LB-603: Environmental Law LB-604: Principles of Taxation Law
6th Term: Optional Subjects (Opt any two of the following): LB- 6031: Interpretation of Statutes LB- 6032: Insurance and Banking Law LB- 6033: Election Laws LB- 6034: Minor Acts and Supreme Court Rules LB- 6035: Law of Carriage	6th Term: Optional Subjects (Opt any one of the following): LB- 6031: Interpretation of Statutes and Principle of Legislation LB- 6032: Insurance and Banking Law LB- 6033: Election Laws LB- 6034: Minor Acts and Supreme Court Rules LB- 6035: Law of Carriage

Annexure P-2

2. Changes in the Attendance Rules to bring it in conformity with the BCI Legal Education Rules 2008

Existing Rule as quoted in the Bulletin of Information of Faculty of Law	Revised Rule
8(a) From the Academic year 2014-15, all the students of LL.B. shall have to put in minimum attendance of 70% of the lectures in each of the courses as also at the moot courts, tutorials and practical training course conducted or taught in a semester for taking the examination. Provided that if a student for any exceptional reasons fails to attend 70% of the classes held in any subject or training course, the Dean of the Faculty of Law may allow the student to take the examination for the semester 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 in all the courses of the semester. Provided further the Dean, Faculty of Law or a committee constituted by the can in this regard may relax absence from classes (of fifteen days in one semester and a maximum of twenty days in an academic year for participating in recognized moot court competitions, seminars and conferences, legal aid camps and activities, sensitization programmes, permitted and approved internships, training programmes relevant to legal education, permitted attendance in court and for unforeseen circumstances. The Dean of the Faculty or Professor-in-charge of the Law Centre shall have power to strike off the name of a student who is grossly irregular in attendance in spite of warning or when the absence of the student is for such a long period that he/she cannot put in requisite percentage of attendance for the semester.	8(a) From the Academic year 2014-15, all the students of LL.B. shall have to put in minimum attendance of 70% of the lectures in each of the courses as also at the moot courts, tutorials and practical training course conducted or taught in a semester for taking the examination. Provided that if a student for any exceptional reasons fails to attend 70% of the classes held in any subject or training course, the Dean of the Faculty of Law may allow the student to take the examination for the semester 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 in all the courses of the semester. Provided further the Dean, Faculty of Law or a committee constituted by the Dean, in this regard may allow attendance up to fifteen days in one semester or twenty days in a year for participation in recognized Moot Court Competitions, Seminars and Conferences, Legal Aid Camps and activities, sensitization programmes, Training Programmes relevant to Legal Education, etc. The Dean of the Faculty or Professor-in-charge of the Law Centre shall have power to strike off the name of a student who is grossly irregular in attendance in spite of warning or when the absence of the student is for such a long period that he/she cannot put in requisite percentage of attendance for the semester.

3. Supplementary Examination: The Faculty of Law recommended that the existing Rule relating to supplementary examinations be replaced with the Supplementary Rule as quoted in Aditya N. Prasad, W.P.(C) No. 7365 of 2011.

Existing Rule as per notification No. CNC-11/093/2014 dated 14 th November 2014	Revised
After the completion of six Terms, a student of LL.B. may take supplementary examination in any paper of I or III Term along with the V Term supplementary examination and in any paper of II or IV Term along with the VI Term supplementary examination held for the purpose:	A supplementary examination for students of LL.B. V and VI Terms would be held at the end of the VI Term examinations to give one more opportunity to such students who could not clear any one or more papers of V and VI terms. In case a student of V and VI Term had not cleared

Annexure P-2

Provided that all the thirty papers required for getting the LL.B. Degree have to be cleared within the span period of six years.	any paper of I, II, III and IV Terms he/she would clear the same by taking the respective examinations at the regular examination held at the end of each Term: Provided that such students of V and VI Terms who could not clear any paper or papers of the V and VI Terms even after taking the supplementary examination, he/she would clear the same at the regular examinations of V and VI Terms held at the end of each Term. All the thirty papers, must be passed for getting the LL.B. degree. As per guidelines of the UGC, a student may be allowed two years period beyond the normal period to clear the backlog to be qualified for the degree. In addition a further extension of one (1) year can be granted under exceptional circumstances to be spelt out clearly by the relevant statutory body of the University. More so, during the extended period the student shall be considered as a private/ external candidate and shall not be eligible for ranking.
--	--

4. Scheme of Evaluation in 3 Clinical Legal Education papers:

1. LB-501 : Arbitration, Conciliation and negotiation.

The examination in this course will be conducted in two parts:

1. End-semester written exam of 50 marks of 2 hours duration.
- 2.(i) 10 marks for the attendance as per the following formula:

Attendance	Marks
70-75%	01
76-80%	02
81-85%	04
86-90%	06
91-95%	08
95-100%	10

- 2(ii) The remaining 40 marks may be divided by the teachers teaching the course for practical exercises in Negotiation, Conciliation, Arbitration and field visit.

2. LB-601 : Advocacy, Professional Ethics and Accounting System

The examination in this course will be conducted in two parts:

1. End-semester written exam = 60 marks of 2 hours duration.

Annexure P-2

2. End-semester MCQ test on Legal Opinions on Ethics = 20 marks of 45 minutes duration on the same day as the written exam.
3. Oral performance in Client Interviewing = 10 marks
4. 10 marks for the attendance as per the following formula:

Attendance	Marks
70-75%	01
76-80%	02
81-85%	04
86-90%	06
91-95%	08
95-100%	10

3. **LB-602 : Moot Court Exercise and Internship**

The evaluation in this course will be completely internal for all the 100 marks to be divided as follows:

Mock Trials	30 Marks
Moot Court	30 Marks
Court and chamber Diary placement	30 Marks
Attendance	10 marks as per the following formula:

Attendance	Marks
70-75%	01
76-80%	02
81-85%	04
86-90%	06
91-95%	08
95-100%	10

5. **Introduction of New Fee Head for LL.B. students:**

Sl.No.	Fee Head	Amount (Rs.)
1.	Placement Cell	50.00
2.	Gender Sensitization Committee	25.00
3.	North Eastern Students Cell	25.00
4.	Equal Opportunity Committee	25.00

6. **Modification in Fee Structure for LL.M. students:**

Sl.No.	Existing Fee Head	Amount (Rs.)	Modified Fee (Rs.)
1.	Moot Court	100.00	Nil
2.	Case Material	1000.00	1250

Annexure P-2

FACULTY OF LAW
University of Delhi
Delhi-110007



Phone: 011-27667483
Email: dean_law@du.ac.in

LF-4362
9 October 2017

IMPORTANT NOTICE REGARDING SUPPLEMENTARY EXAMS

All students are advised to read Ordinance II, Appendix II to Ordinance V(2) of Delhi University as approved by the Academic Council and Executive Council of the University in its meetings held on 20-23 June, 2017 and 3 July and 14-15 July, 2017 regarding holding of Supplementary Exams in LL.B. given below:

A supplementary examination for students of LL.B V and VI Terms would be held at the end of the VI Term examinations to give one more opportunity to such students who could not clear any one or more papers of V and VI terms. In case a student of V and VI Term had not cleared any paper of papers of I, II, III and IV Terms he/she would clear the same by taking the respective examinations at the regular examination held at the end of each Term:

Provided that such students of V and VI Terms who could not clear any paper or papers of the V and VI Terms even after taking the supplementary examination, he/she would clear the same at the regular examinations of V and VI Terms held at the end of each Term.

All the thirty papers, must be passed for getting the LL.B degree. As per guidelines of the UGC, a student may be allowed two years period beyond the normal period to clear the backlog to be qualified for the degree. In addition a further extension of one (1) year can be granted under exceptional circumstances to be spelt out clearly by the relevant statutory body of the University. More so, during the extended period the student shall be considered as a private/external candidate and shall not be eligible for ranking.

In terms of this Ordinance, the Supplementary Exam is limited for third year students for clearing any leftover papers of Only V and VI semesters. If any paper of 1st and 2nd year is not cleared by them in regular course or if any paper of V and VI term is not cleared by them even in the supplementary exam, they will be entitled to take those exams only in the regular exam held for the relevant semester.

Vallabharasi
Head & Dean

Copy to:
Professor-in-Charge: CLC, LC-I, LC-II

Plea of Supplymentry exam.

[Add label](#)**Sandy Jha** 4 days ago

to dean_law, pic, vc, grievancecellb... ^

**From** Sandy Jha • sandyjha10@gmail.com**To** dean_law@du.ac.in
pic@lc1.du.ac.in**Cc** vc@du.ac.in
grievancecellbci@gmail.com
dean_law@du.ac.in
dsw@du.ac.in**Date** 27 May 2020, 10:54 pm[See security details](#)

Respected Mam,

I Sandesh Kamlesh Jha 3 year student of law center 1
Examination roll no 171558.

This mail is regarding the Supplymentry exam of 1st year
semester exam, and applicability of notification published on
faculty of law website dated 9 October 2017 regarding the
Supplymentry exam.

I have failed in one of the subject in 3rd semester paper and
want to get clarified about the above notification and it's
applicability on 2017-18 batch as due to this notification it will
hold us from getting a degree for one whole year which is
totally against the student welfare and future.

It's humble request not put future of students at stake and pls
conduct the Supplymentry exam for all semester of all
semester which is in favour of student walfare.

Yours faithful student

Sandesh Kamlesh Jha





Shashank Rai 3 days ago

to dean_law, pic, vc, dsw, d... ✓



I Shashank Rai 3rd year student of law center 1
Examination roll no 171586.

This mail is regarding the Supplymentry exam of 1st year semester exam and 2nd year, and applicability of notification published on faculty of law website dated 9 October 2017 regarding the Supplymentry exam. I have failed in one of the subject in 1st semester paper and three subjects in 3rd semester paper and want to get clarified about the above notification and it's applicability on 2017-18 batch as due to this notification it will hold us from getting a degree for one whole year which is totally against the student welfare and future.

It's humble request not put future of students at stake and pls conduct the Supplymentry exam for all semester which is in favour of student walfare.

Yours faithful student
Shashank Rai
Exam roll no 171586

	SHARAFAT ALI			503,5033
171581	SHAILESH KUMAR SINGH CHANDRA BHAN SINGH	288	Failed	263
171583	SHALINI ARYA			313
	JAIVINDRA SINGH			
171584	SHALVI MISHRA RAJESH CHANDRA MISHRA	299		303



DEAN, FACULTY OF LAW 5:06 pm

to me, pic, dsw, vc, grievancecellbc... ▾



Firstly, in the month of July, regular exams are being scheduled for final year students only.

Secondly, whenever supplementary exams will be held, those will be in strict compliance with the conditions spelt out in the bulletin which is already on the website. You may kindly see for yourself.

Rest of the concerns are beyond the jurisdiction of Faculty of Law.

With best regards,
Prof.(Dr.)Vandana,
Head and Dean,
Faculty of Law,
University of Delhi,
Delhi-110007.

[Show quoted text](#)

Annexure P-4

* **THE HIGH COURT OF DELHI AT NEW DELHI**
 + **W.P.(C) No. 7365 of 2011**
 % Decision Delivered On: 24th October, 2011

ADITYA N. PRASAD ... APPELLANT
 Through: Mr. Rajiv Dutta, Sr.
 Advocate with Mr. Rahul
 Sharma, Ms. Jyoti Dutt, Mr.
 Kumar Dushyant Singhal,
 Advs.

VERSUS

UNIVERSITY OF DELHI & ORS. ... RESPONDENTS
 Through: Mr. M.J.S. Rupal, Ms.
 Shawana Bari, Advs. for R1
 Mr. Sanjeev Sachdeva, Sr.
 Adv. with Mr. Preet Pal
 Singh, Ms. Priyam Mehta,
 Advs. for R-3

CORAM :-
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

A.K. SIKRI, ACTING CHIEF JUSTICE (ORAL)

1. The petitioner is pursuing LL.B three year course from the Faculty of Law, University of Delhi. He took admission in this course in July, 2009 after completing his degree course in BA (Hons.) History from Hans Raj College, University of Delhi.
2. Three years LL.B course of Law Faculty, University of Delhi consists of six semesters, two semesters in each year. In

Annexure P-4

each semester, there are five papers. For promotion to second year (3rd semester), it is incumbent for a student to pass at least five out of ten papers. Likewise for promotion to third year (5th semester), it is mandatory to clear 15 out of 20 papers. The petitioner had cleared more than five papers in the first year and, therefore, in July, 2010 he was promoted to second year. However, after taking 4th semester examination, he could pass only 13 out of 20 papers. Since his performance was below the desired eligibility prescribed, namely, passing of 15 out of 20 papers, the respondent authorities refused to give him admission in the third year (5th semester). We may point out at this stage that the Law Faculty also holds supplementary examination of 1st and 3rd semester in the months of July/August every year. However, chance to appear in such supplementary examinations is not given to first and second year students, but these supplementary examinations are available only for final year students. The petitioner perceived this as discriminatory. According to him, had he been given a chance to appear in the supplementary examination, he could have cleared some more papers which would have enabled him to pass at least

Annexure P-4

15 papers on the basis of which he could get promoted to third year. It is on this basis that the petitioner has filed the present petition with the following prayers:

"a. A writ of mandamus, certiorari or any other appropriate writ, order or direction to the Respondents for holding the provisions of the Law Faculty vis-à-vis examination and promotion of students to III & V Semester from II & IV Semester respectively of LL.B three year course being in violation of the fundamental rights of the students and Bar Council of India Rules and thus being ultra vires to the Constitution of India;

b. a writ of certiorari or any other appropriate writ, order or direction to quash the present Promotion Rules followed by the Respondent University being ultra vires the Advocates Act, 1961 and the Bar Council of India Rules, 2008;

c. a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to promote the Petitioner herein to the V Semester of the Final Year of the LL.B three year course;

d. a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No.2 to hold supplementary examinations for students in each semester so as to give better opportunity and chance to the students to clear their paper in which they have absented/failed;

OR IN THE ALTERNATIVE

to allow the students to take/write supplementary examination in respect of papers missed/failed by him/her which is conducted for only final year VIth Semester students immediately after

Annexure P-4

declaration of results of the VIth Semester i.e. in the month of July;

e. a writ of mandamus, certiorari or any other appropriate writ, order or direction directing the Respondent Nos. 1 & 2 to bring its promotion policy in conformity with the Bar Council of India and that of internationally accepted standards.

f. to pass any further order(s) which this Hon'ble Court may deem fit in the facts and circumstances of the case and in the interest of justice."

3. Main emphasis is on prayer (d) above, namely, to allow the students to take/write supplementary examination in respect of papers missed/failed by such students and not restricting the opportunity of appearing in the supplementary examination only to final year students. It is submitted that in all other universities where such supplementary examinations are held, all students are permitted to appear. It is also submitted that this system was introduced on the basis of recommendation of the Committee headed by Justice V.S. Deshpande in the year 1989 and has outlived its utility and should not be treated as valid in today's scenario.
4. The argument of the petitioner appears to be attractive in the first blush inasmuch as when supplementary

Annexure P-4

examinations of 1st and 3rd semester in LL.B three year course are held, why it should be limited to final year students of 6th semester only and why such a chance should not be given to other students like the petitioner; however, when we go into the background and the rationale while introducing this system, a clear answer which emerges is that the system followed by the respondents is not arbitrary or discriminatory and there are proper and valid justifications for the same.

5. The respondents, in their counter affidavit, have traced out the promotion rules which were applicable from time to time. Before the present system was introduced, the earlier rules for promotion in LL.B course in the Faculty of Law, University of Delhi were as under:

"a) A student of LLB I/III/V terms shall be eligible for promotion to II, IV or VI terms respectively irrespective of the number of the courses in which he/she has failed to pass or failed to appear in the I, III, V term examinations.

b) A student of LLB second Term shall be eligible for promotion to third Term if he/she has passed in at least eight papers of first and second term examinations taken together and a student of fourth Term shall be eligible for promotion to Fifth Term if he/she has passed in at least eighteen papers of First, Second, Third and Fourth term examination taken together.

Annexure P-4

Note 1: A student of LLB 1st year, 2nd year and 3rd year of LLB may take supplementary examination of any of the papers as and when the supplementary examinations were held in the Faculty of Law.”

6. The respondents have explained that the students were finding it difficult to cope up with these promotion rules as there was no possibility of promotion to the 3rd semester till eight papers were cleared. Apart from this, supplementary examination was proving to be burdensome to the students to have such examination immediately after the semester examination.
7. It is further submitted that there was wide spread agitation of the students who did not want the supplementary examination to be held, but were asking for clearance of less papers instead of eight and eighteen papers to be promoted respectively to the Third and Fifth semesters respectively and at the same time abolition of supplementary examination during the duration of the course of three years. The span period at that time was five years which was sought to be increased to six years.
8. The respondents further submitted that the issue whether relaxation should be granted was referred to a Committee

Annexure P-4

constituted on 22.12.1986 headed by Justice V.S. Deshpande (Retd.) and a report was submitted. In the meeting of the Academic Council held on 7.1.1989, this report was considered. The unanimous recommendation of Justice V.S. Deshpande Committee was that no student should be allowed to carry over the load of more than one semester to the next semester. It was further unanimously recommended by the Committee that under the promotion rules, in no circumstances further relaxation should be given in this respect.

9. It is further submitted that the Academic Council accepted the report and thereby decided that as far as LL.B degree was concerned, no relaxation would be given in the promotion rules, that is, clearance of five and fifteen papers respectively for students to be admitted to the 3rd and 5th semester respectively was not to be relaxed. Accordingly, in view of the relaxation granted in promotions from eight and eighteen papers to five and fifteen papers, the supplementary examination for first and second year were abolished and the promotion rules thereafter were as under:

"a) PROMOTION RULES:

Annexure P-4

A student of the First, Third and Fifth Term will be promoted to the Second, Fourth and Sixth Term respectively, irrespective of the number of courses in which he/she has failed to pass or failed to appear in the First, Third or Fifth Term Examinations as the case may be: provided, however that no such student shall be admitted to the Third or the Fifth Term unless he/she has passed in at least five courses offered by him for the First and Second Term Examinations taken together in case of promotion from I year to II year and in at least fifteen courses offered by him for the First, Second, Third and Fourth Term Examinations taken together in case of promotion from II year to III year of the LL.B course.

Note:- The students eligible for admission to III/V Term must seek admission not later than two weeks from the date(s) of announcement of the results of LL.B II/IV Term Annual Examination failing which they will forfeit their right to be admitted to III/V Term.

(b) Supplementary Examinations

A supplementary examination for students of LL.B V and VI Terms would be held at the end of the VI Term examinations to give one more opportunity to such students who could not clear any one or more papers of V and VI terms. In case a student of V and VI Term had not cleared any paper of papers of I, II, III and IV Terms he/she would clear the same by taking the respective examinations at the regular examination held at the end of each Term:

Provided that such students of V and VI Terms who could not clear any paper or papers of the V and VI Terms even after taking the supplementary examination, he/she would clear the same at the regular examinations of V and VI Terms held at the end of each Term.

Annexure P-4

Provided further that all the thirty papers, required for getting the LL.B degree has to be cleared within the over all span of 6 years.”

10. It is clear from the above that as per the previous promotion rules when chance was given to the students to appear in the supplementary examination, the promotion norms were also more tough. Students were required to pass eight papers for promotion to second year and eighteen papers for promotion to third year. These promotion norms have been relaxed and made much easier by reducing the number of papers from eight and eighteen to five and fifteen respectively. That too has been done on the demand made by the students who were finding the earlier promotion rules more difficult to cope with. At their instance, matter was referred to Expert Committee and on the recommendation of the Expert Committee, the present rules came into force. It is the students who pleaded for relaxation in promotion norms in place of appearing in the supplementary examination. After achieving to get relaxed norms of promotion, the students, like the petitioner, cannot turn around and demand the restoration of

Annexure P-4

supplementary examination for them as well. Such a situation would amount to having the cake and eat it too.

11. Moreover, even legally speaking, the matters of promotion are academic matters which are to be left to the academic institutions and courts are not to tinker with the same unless it is found that they are in violation of some statutory or constitutional provisions. No such case is made out. In ***State of Tamil Nadu & Ors. v. K. Shyam Sunder and Ors., 2011 (8) SCALE 474***, the Supreme Court held as under:

"27. Undoubtedly, the Court lacks expertise especially in disputes relating to policies of pure academic educational matters. Therefore, generally it should abide by the opinion of the Expert Body. The Constitution Bench of this Court in ***The University of Mysore and Anr. v. C.D. Govinda Rao and Anr.*** [AIR 1965 SC 491] held that "normally the courts should be slow to interfere with the opinions expressed by the experts". It would normally be wise and safe for the courts to leave such decisions to experts who are more familiar with the problems they face than the courts generally can be. This view has consistently been reiterated by this Court in ***Km. Neelima Misra v. Dr. Harinder Kaur Paintal & Ors.*** [JT 1990 (2) SC 103 : AIR 1990 SC 1402]; ***The Secretary & Curator, Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity & Ors.*** [JT 2010 (2) SC 566 : AIR 2010 SC 1285]; ***Dr. Basavaiah v. Dr. H.L. Ramesh and Ors.*** [JT 2010 (7) 558 : (2010) 8 SCC 372]; and ***State of H.P. and Ors. v. H.P. Nizi Vyavsayik***

Annexure P-4

Prishikshan Kendra Sangh [JT 2011 (5) SC
153 : 2011 (6) SCC 597].”

12. For all these reasons, we do not find any merit in this writ petition which is accordingly dismissed. No order as to costs.

ACTING CHIEF JUSTICE

**(RAJIV SAHAI ENDLAW)
JUDGE**

OCTOBER 24, 2011
pk

IN THE HIGH COURT OF DELHI AT NEW DELHI

05.10.2011

**Present: Mr. Rajiv Dutta, Sr. Advocate with Mr Kumar Dushyant Singh,
Advocate for the petitioner.**

**Mr. Mohinder Rupal Advocate with Mr. Shawanbari, Advocate for Delhi
University.**

Mr. Anurag Goel, Advocate for R-1.

W.P.(C) 7365/2011 and CM APPL. 16695-96/2011

**It is argued by Mr. Dutta, learned Senior Counsel appearing for
the petitioner that supplementary examination of 1st and 3rd Semester
in LL.B Course are held in the month of July/August. Though the final
year students of 6th Semester are allowed to take these examinations but
the students who had appeared in the 4th Semester and wanted to clear
some of the papers of 1st and 3rd Semesters are denied this opportunity.**

**Notice to show cause limited to the aforesaid aspect viz why the
students who were in second year and had taken 4th Semester examination
be not allowed to appear in the said supplementary examination of 1st
and 3rd Semester conducted for final year students.**

**Mr. Rupal accepts notice on behalf of the respondent/Delhi
University.**

List on 24th October, 2011.

A.K. SIKRI, J.

SIDDHARTH MRIDUL, J.

October 05, 2011

skb

#58

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

APPLICATION SEEKING EXEMPTION FROM FILING DULY

AFFIRMED AFFIDAVIT(s) AND COURT FEES

1. That the Petitioners have filed the accompanying petition under Article 226 of the Constitution of India and the same is listed before this hon'ble court
2. That the detailed facts and avernments have been placed in the accompanying petition have not been repeated herein for the sake of brevity and may be read as an essential part of this application.
3. That the Respondents herein erroneously seek to retrospective apply a notification to the petitioners herein in prejudice to their educational endeavors and further have bought forth the notification on misinterpretation of judgements
4. That the Petitioners submits that due to the outbreak of nCovid-19, the petitioners are unable to duly affirm the affidavit on oath and therefore seek exemption from filing the same in the interest of justice
5. That the Petitioners undertake to pay the court fees/deficit fees within 72 hours as and when the court will open for normal functioning
6. That the Petitioners submit that the matter is of utmost urgency due to the dire situations and the University of Delhi has announced the conduct of final year examination from July 1 2020, therefore constraining the Petitioners to seek the indulgence of this Hon'ble Court.

Prayer

It is therefore prayed that in view of the above facts and circumstances that the application seeking Interim Relief be allowed and that this Hon'ble Court shall be pleased:

1. That the petitioners be exempted from filing duly affirmed affidavit
2. That the petitioner be permitted to pay the court fees/deficit fees within 72 hours from the date of resumption of the regular functioning of court

Thereby preventing the further worsening of the condition of the Petitioners.

And For This Act Of Kindness, The Petitioner Is As Duty Bound And Shall Ever Pray

Petitioner

Through

Advocate Amit Sharma

Amit Kumar Sharma

Advocate Satyam Singh

New Delhi

Dated

Satyam Singh

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

... Respondents

AFFIDAVIT

I, Sh. Sandesh Jha s/o Kamlesh Jha aged about 24 years, resident of New Delhi having residential abode at Flat No 281 Gali No 1 Shalimar Village Chowk Shalimar Bagh Delhi 110088 do hereby solemnly affirm and declare as under::

1. That I am the Petitioner no. 1, in the present petition and I am well conversant with the facts of the case and therefore competent to swear the present affidavit.
2. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present application. I further confirm that I have not concealed in the present Petition any data/material /information which may have enabled this court to form an opinion whether to entertain this application or not and/or whether to grant any relief or not.
3. The contents of the accompanying application from para no. 1 to para no. 6 are true correct to the best of my knowledge and that the last para is prayer to this hon'ble court.

4. That the contents of the accompanying petition have been read and explained to me in vernacular and I have understood the same.
5. That the deponent has not filed such or similar petition, earlier, in this hon'ble court or in any other court, nor such a petition is pending before any hon'ble court.



Deponent

Verification:

Verified At New Delhi On This ____Day of June , 2020 That The Contents Of My Above Affidavit Are True And Correct To My Knowledge; No Part Of It Is False And Nothing Has Been Concealed Therein.



Deponent

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. _____ of 2020

IN THE MATTER OF

Sandesh Jha and ors

.... Petitioners

Versus

University of Delhi and ors

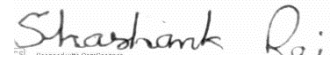
... Respondents

AFFIDAVIT

I, Sh. Shashank Rai, S/o Sh. Arvind Rai Sharma, resident of Delhi Add-236, kanhaiya ,Niwas, Pal chowk,Vijay Nagar, New Delhi – 11009, do hereby solemnly affirm and declare as under:

1. That I am the Petitioner no. 2, in the present petition and I am well conversant with the facts of the case and therefore competent to swear the present affidavit.
2. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present application. I further confirm that I have not concealed in the present Petition any data/material /information which may have enabled this court to form an opinion whether to entertain this application or not and/or whether to grant any relief or not.
3. The contents of the accompanying application from para no. 1 to para no. 6 are true correct to the best of my knowledge and that the last para is prayer to this hon'ble court.
4. That the contents of the accompanying petition have been read and explained to me in vernacular and I have understood the same.

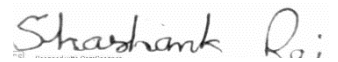
5. That the deponent has not filed such or similar petition, earlier, in this hon'ble court or in any other court, nor such a petition is pending before any hon'ble court.



Deponent

Verification:

Verified At New Delhi On This ____Day of June , 2020 That The Contents Of My Above Affidavit Are True And Correct To My Knowledge; No Part Of It Is False And Nothing Has Been Concealed Therein.



Deponent

7 June 2020

VAKALATNAMA

Before the Hon'ble Delhi High Court HMJ

In the Matter of

Nirmal Bahagt and others

..... Petitioners/Plaintiff

VS

Ministry of Home Affairs

.....Respondents/Defendants

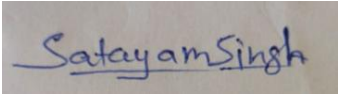
I/we Sanjesh Jha, Aman Kumar and Shashank Rai do hereby appoint & retain Advocate Amit Kumar Sharma and Advocate Satyam Singh (hereinafter called as “the Advocates”) to be my / our advocates in the said Suit /Appeal / Petition / Case /Reference / Revision / Execution. I / we authorize the Advocates to do any or all of the following on my / our behalf:

- a) to represent, act and appear for me / us;
- b) to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree of order passed therein;
- c) to sign, file, verify, present, and receive all types of documents including complaints, statements, pleadings, appeals, cross objections, petitions, applications, revision, withdrawal, compromise or affidavits;
- d) to withdraw or compromise or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case;
- e) to deposit, draw and receive money, cheques, cash and grant receipts thereof;
- f) to do all other acts and things which may be necessary or expedient, in the opinion of the
Advocates, to be done.

I/We do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.



Shashank R.

Advocate Name of Advocate	Enrollment No.	Mobile No.	Signature
Advocate Amit Kumar Sharma	D/5697/2017	+91 88608 93033	
Advocate Satyam Singh	UP 7195/2019	+91 96503 00297	

Proof of Service

Counsel for Respondents 1 and 2 – Shri Mohinder Rupal -
rupalmohinder@gmail.com, phone number – 9811151216

Respondent No.3 - MR. UMESH JOSHI ADVOCATE
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