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Ajay Kumar Remineni Vs. Indian Institute of Technology and anr.

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Court : Delhi

Decided On : Aug-24-2005

Reported in : 124(2005)DLT166; 2005(84)DRJ325

Judge : Vikramajit Sen, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P. (C) No. 13413/2005

Appellant : Ajay Kumar Remineni

Respondent : Indian Institute of Technology and anr.

Advocate for Def. : Maninder Singh, ; Yoginer Handoo and ; Kirtiman Singh,

**Advocate for Pet/Ap. : L. Nageswar Rao, Sr. Adv.,; G. Ramakrisna Prasad,;
Wasay Kh**

Disposition : Petition dismissed

Judgement :

Vikramajit Sen, J.

1. This petition challenges the decision of the IIT, Delhi conveyed by its Dy. Registrar (UGS) in terms of letter dated 25.7.2005 which reads as follows:

Sub: Termination of Registration

The academic performance of student Ajay Kumar Ramineni, 2003MT50427 during the end of 2nd semester 2004-2005 as well as that of proceeding semesters was examined by the Standing Review Committee (SRC) of the Senate. In view of the fact that the cumulative performance is below the required minimum level for continuation, the registration of Ajay Kumar Ramineni is hereby terminated and his name is struck off the rolls of the Institute.

This has approval of the Chairman, Senate.

2. The contention of learned Senior Counsel for the Petitioner is that the academic requirements mandating that a student in the general category must complete at least 50 credits at the end of 4th semester is irrational and bears no nexus to maintain exemplary academic standards leading ultimately to a Masters Degree; and has worked a hardship on the Petitioner, which justifies the invocation and exercise of the extraordinary powers of this Court enshrined in Article 226 of the Constitution. Clause 3.9 of the Prospectus for the year 2004-2005 in respect of the five year integrated Master of Technology Course envisages the termination of the registration of a student for the reason of 'Unsatisfactory Academic Performance' viz. failure to complete 50 credits at the end of 4th semester. It has been highlighted by learned Senior Counsel for the Petitioner that so far as the Prospectus for the previous year was concerned it was reticent on the question of credits earned by students during the summer vacations and, therefore, it was not correct for the Respondent's to ignore the Petitioner's participation in the Summer Vacation Programme at the end of the 4th Semester. The uncontroversial facts of the present case are that the Petitioner gained only 48.5 credits till the conclusion of the 4th Semester. He had, therefore, attended the summer course in 2005 but that has not been taken into account by the Respondents, and if so done would bring him within the minimum standards of 50 credits. It has also been contended that the mandate of audi alteram partem have not been followed and that the termination of the Petitioner's registration was carried out without giving him an opportunity of being heard. In this regard, learned counsel for Respondents has drawn attention to the following observations of the Hon'ble Supreme Court in

Jawaharlal Nehru University v. B.S. Narwal, : [1981]1SCR618 .

8. The first question for our consideration is whether the respondent was entitled to an opportunity of being heard before action was taken removing him from the rolls of the University. What should be mentioned right at the outset is that this is not a case of expulsion of a student pursuant to a claim, by the authorities of a University, to discipline the student at their discretion and the right of the student to freedom and justice. The case is merely one of assessment of the academic performance of a student which the prescribed authorities of the University are best qualified and the courts, perhaps, are least qualified to judge. Nor can there be any question of any opportunity to be heard being given. One does not hear of a claim to be heard when a candidate fails to qualify at any aptitude or intelligence test, written or oral. When duly qualified and competent academic authorities examine and assess the work of a student over a period and declare his work to be unsatisfactory we are unable to see how any question of a right to be heard can arise. The duty 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 academic adjudication (if the use of the word adjudication is permissible in the context) appears to us to negative any right to an opportunity to be heard. If the assessment by the academic body permitted the consideration of 'non-academic' circumstances also, a right to be heard may be implied. But if the assessment is confined to academic performance, a right to be heard may not be so implied. Of course, if there are allegations of bias or mala fides different considerations might prevail, but in the absence of allegations of bias or mala fides we do not think that the declaration by an academic body that a student's academic performance is unsatisfactory, is liable to be questioned in a court on the ground that the student was not given an opportunity of being heard. Large and expanding, perhaps rightly, as the field of natural justice and fair dealing is, necessary and wholesome as 'hearing' an affected party even by academic bodies is, there are limits to attempt at unnatural extensions of the doctrine of 'audi alteram partem'. Without granting absolutism to academic authorities even in academic matters, we think this case hardly calls for judicial intervention.

These observations are complete answer to the question of whether the rudimentary principles of natural justice have been violated and infringed. The impugned decision of the Respondent essentially tantamounts to the Petitioner having failed in this Examination. To expect that a personal hearing should be granted in every such case would become totally impracticable.

3. So far as the assault of the Petitioner on the question of laying down a minimum criteria of 50 credits up to 4th Semester is concerned, the argument cannot be accepted. In the first place the Petitioner was well aware of these requirements at the time when admission was taken by him. It is, therefore, not open to judicial challenge at a subsequent stage only when the Petitioner is adversely affected by it. Secondly, this falls within the realm of academic standards which the Court is always reluctant to enter upon and interfere in. Over a quarter century ago in *Krishna Priya Ganguly v. University of Lucknow*, : [1984]1SCR302 , the Supreme Court had observed that while exercising power under Article 226 of the Constitution, the High Court cannot ignore the Rules framed by the Admission Committee; nor can it devise and enforce its own criterion pertaining to Admissions, as these decisions must be left to the concerned academic body. The High Court should abjure ordering and ordaining a relaxation in or rewriting of such Rules. These observations condensed in the Head Notes are instructive:-

The High Court under article 226 cannot ignore the rules framed by the Admission Committee; nor can it devise its own criterion for admission. It is a matter for decision of the academic body. If the academic body makes the marks obtained in M.B.B.S. examination the criterion, admission has to be made by such criterion. Where the academic body applies the rules in a bona fide manner to all the candidates equally, the High Court has no jurisdiction to interfere with the internal working of the academic institution. The High Court can neither relax or rewrite the rules, nor grant admission to a person who is appreciably below the required merit on ground of his having a diploma. A mere diploma cannot override the consideration regarding the merit as disclosed in the low aggregate obtained by him in the last M.B.B.S. Examination. If the college authorities went by the pure test of merit, the diploma could not be a good substitute for admitting the lowest and the last candidate in the list.

The decision in C.B.S.E. v. P. Sunil Kumar, : [1998]3SCR327 , has also been relied upon by learned counsel for the Respondents. A caution had been sounded therein against granting relief on 'sympathetic or humanitarian grounds', an approval which I must confess I was likely to succumb to, as would any other Judge faced with the prospects of giving a stringent decision against a young student. However, life is replete with examples of persons who have pursued a study or career in a line for which they have insufficient aptitude. All that results is a wasted life, whereas a change in the line often leads on to fortune.

4. The question that remains is whether the Respondents were justified in ignoring the credits allegedly earned by the Petitioner in the Summer Vacations. Clause 6.1.10 of Regulations and Procedures set down in the Prospectus for the year 2003-2004 in terms excludes the consideration of credits earned in the Summer Vacations in computation of the credits earned by a student up to the close of the previous semester. It reads thus:

6.1.10 Termination of Registration (due to Unsatisfactory Academic Performance)

The SRC while reviewing the academic performance of weak students would also recommend termination of registration if a student fails to satisfy the minimum academic criteria laid down for continuation as a student at the end of each year (i.e. even semester, excluding summer).

1st year students: A student in general category must complete 20 credits at the end of 2nd semester of his/her stay in the Institute, failing which, his/her registration would be terminated. A student in SC/ST category must complete 17 credits at the end of IInd Semester of his/her stay in the Institute failing which, his/her registration would be terminated.

IInd year onwards: Details of the criteria will be decided in near future.

In case a student has withdrawn for one semester during the 1st year, the earned credit requirements would be reduced by 12 credits for each semester of withdrawal. However, in a rare case of withdrawal from both the semester in 1st year, the earned credit requirements would be reduced by 25 credits for general

and 22 credits for SC/ST category students. No appeal shall be entertained from students whose registration has been so terminated.

For the following year 2004-2005 the relevant clause 3.9. reads as follows:

3.9 Termination of Registration due to Unsatisfactory Academic Performance

The SRC while reviewing the academic performance of weak students would also recommend termination of registration if a student fails to satisfy the minimum academic criteria laid down for continuation as a student at the end of each semester.

1st year students: A student in general category must complete at least 20 credits at the end of the 2nd semester of his/her stay in the Institute, failing which his/her registration would be terminated. A student in SC/St category must complete at least 16 credits at the end of the 2nd semester of his/her stay in the Institute failing which his/her registration would be terminated and no appeal would be allowed.

2nd year students: A student in general category must complete at least 50 credits at the end of 4th semester of his/her stay in the Institute, failing which his/her registration would be terminated. A student in SC/St category must complete at least 46 credits at the end of 4th semester of his/her stay in the Institute failing which his/her registration would be terminated and no appeal would be allowed.

3rd year onwards: A student's registration may be terminated at the end of 3rd year, 4th year or 5th year if he/she fails to earn at least 84, 120 or 156 credits, respectively. The student may appeal against termination within the first week of the next semester.

Learned Senior Counsel for the Petitioner vehemently contends that since the provisions pertaining to the summer vacations had not been reiterated in the following year, the credits which the Petitioner might have earned in the Summer of 2005 should have been taken into consideration. Otherwise, the whole exercise would be rendered futile. I find no justification giving the Prospectus/Bulletin such a strict interpretation as if one is called upon to construe a statute. Since the Petitioner had gained admittance to the IIT in the academic year 2003-2004 that

Prospectus would ordinarily govern their relationship.

5. It is relevant to record that mala fides have not been alleged against the Respondents. In fact learned Senior counsel appearing on behalf of Petitioner has very fairly and correctly stated that it is the Rules and the extant practice which is under challenge and it is not the Petitioner's case that he has been dealt with in an arbitrary or mala fide manner. The Petitioner was a weak student even in his first year and, therefore, was cautioned for achieving better results. By letter dated 5.1.2004 the Standing Review Committee had taken this decision-'advised to meet Course Advisor regularly & report academic progress, parents to be informed about possibility of termination at the end of 1st year.' It is true that the Petitioner did show improvement and hence was promoted to the Second Year. A glance at the required credits will disclose that their number progressively increases, and perhaps for this reason the Petitioner could not cope to achieve the requisite credits at the end of the Second Year or Fourth Semester. The preponderant possibility is that the Petitioner will fall further into deficiency if his studies continue in the IIT. Regretfully he may not have the aptitude for the rigours required for this Course. The academic standards and excellence should not be compromised for the sake of under achieving students, even though the Court may be inclined to grant relief on humanitarian grounds. This approach was deprecated in C.B.S.E. case (supra).

6. In these circumstances this writ petition does not warrant interference under Article 226 of the Constitution, and is dismissed accordingly.

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