

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.10560 of 2026****Decided on: 20.08.2026**

Akshat Singh

.....Petitioner**Versus**

The Vice Chancellor, Himachal Pradesh National Law
University and Ors.

....Respondents**Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**

For the Petitioner: Mr. Atharv Sharma, Advocate.

For the Respondents: Mr. Amar Vivek Aggarwal, Advocate
(through VC) and Mr. Gaurav Thakur,
Advocate vice Dr. Rajesh Kumar
Parmar, Advocate.

Jyotsna Rewal Dua, Judge

This petition was first listed on 30.06.2026,
when while issuing notice to respondents-National Law
University, the interim application moved by the petitioner
seeking direction to allow him to provisionally attend the
classes of 9th Semester and also for his appearance in the
8th semester examination was turned down vide a detailed
order that also noticed the trajectory of petitioner's case

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



including the previous writ petition instituted by him as also the orders/judgments passed therein, as under:-

“CMP No. 15523/2026

Heard and considered the case file.

2. The petitioner seeks direction to allow him to provisionally attend the classes of the 9th Semester as, according to him, he has already completed the 8th Semester by attending the classes thereof. He also seeks direction to allow him to appear in the 8th Semester examination.

CWP No. 19747 of 2025 was filed by the petitioner seeking direction to allow him to provisionally appear in the 7th Semester End-Term Examination. Vide order dated 12.12.2025 passed in said petition, the petitioner was permitted to provisionally appear in the said examination, subject to the terms imposed therein. During the pendency of the writ petition, the respondents-University apprised the Court that, consequent to the interim order dated 12.12.2025, the petitioner was allowed to provisionally appear in the 7th Semester End-Term Examination, which he had passed. The petitioner was also permitted to provisionally attend the classes of the 8th Semester vide order dated 20.03.2026 passed in the said writ petition.



The writ petition was disposed of 12.05.2026

with following operative directions: -

“.....Learned counsel for the respondents has opposed the prayer of the petitioners as also, all the grounds taken by them. However, at this stage, I am of the view that since the petitioners had been permitted to provisionally undertake the 7th Semester end-term examination, which the petitioners have not only undertaken but cleared as well & the petitioner are now attending classes of 8th Semester, keeping in view the issues highlighted for the petitioners about absence of remedial classes for them in 7th Semester, reliance placed for the petitioners upon several decisions of different High Courts as also, the applicable rules position, ground of discrimination raised by them, interest of justice will be met in the given facts of the case if a direction is issued to respondent- Himachal Pradesh National Law University to reconsider its decision of detention of the petitioners in 7th Semester, afresh, and for allowing them to regularly attend 8th Semester classes. Ordered accordingly. Fresh decision be taken expeditiously preferably within four weeks keeping in view not only applicable rules position but also keeping in mind the academic interest of the students. The decision so taken be also intimated to the petitioners. Till such time, the petitioners be permitted to continue to attend the classes of 8th Semester.”

Pursuant to the aforesaid directions, the respondents-National Law University constituted a Committee to reconsider their decision to detain the petitioner in the 7th Semester. The Committee furnished its report on 04.06.2026 (Annexure P-5), making recommendations against the petitioner. The detailed report of the Committee is self-explanatory. The facts of the case have already been noticed in the judgment dated



12.05.2026 rendered in CWP No. 19747 of 2025 (Akshat Singh vs. State of H.P. & Ors.).

3. Admittedly, the petitioner had an attendance percentage of 57.29% in the 7th Semester. It is not in dispute, as contended by learned Advocate for the respondents-University, that the Vice-Chancellor is empowered to condone shortage of attendance only in cases where the attendance percentage is not less than 65%, as the minimum required attendance in a semester is 70% under the applicable Acts/Rules/Regulations.

4. Learned counsel for the petitioner submits that had the respondents-University conducted remedial classes, as were conducted for some other students, which is apparent from the decisions appended at Pages 174 to 189 of the paper book, the petitioner would have got an opportunity to rectify/improve his attendance. Here again, it is not in dispute that the applicable Act/Rules/Regulations do not envisage the holding of remedial classes. Learned Advocate for the respondents-University has apprised that remedial classes were held only during the academic session 2022-23 in the emerging situation prevailing at that time. The recourse to remedial classes adopted at that time cannot be treated as a routine



measure to be resorted to every time to condone attendance shortages.

Petitioner's attendance in the 7th Semester fell way short of the prescribed requirement. The report submitted by the Committee constituted by the respondents-University pursuant to decision of petitioner's previous writ petition cannot be discarded in the manner urged for the petitioner at this stage. The judgment rendered by the Hon'ble Delhi High Court in *Court on its Own Motion in Suicide Committed by Sushant Rohilla, Law Student of I.P. University v. ...*, W.P. (CRL) No. 793/2017, decided on 03.11.2025, which was, inter alia, relied upon while deciding petitioner's earlier writ petition, has been stayed by the Hon'ble Apex Court vide order dated 26.05.2026 passed in SLP (Criminal) Diary No(s). 29604/2026.

In view of above, no case for grant of interim relief is made out. Accordingly, the application is dismissed."

While dismissing the application, reference was also made to a judgment rendered by Hon'ble Delhi High Court on 03.11.2025 in ***Court on its Own Motion in Suicide Committed by Sushant Rohilla, Law Student of***



I.P. University² as relied upon by the petitioner, wherein one of the directions issued in para-249 thereof was to the effect that, "No student entered in any recognized Law College, University, or institution in India, shall be detained from taking examination or be prevented from further academic pursuits or career progression on the ground of lack of minimum attendance." The order dated 03.11.2025 passed by the Hon'ble Delhi High Court was stayed by the Hon'ble Apex Court vide order dated 26.05.2026 passed in SLP (C) Diary No. 29604/2026. This was also one of the reasons for rejecting petitioner's application for grant of interim relief.

2. Petitioner instituted LPA No. 394 of 2026 against the above order dated 30.06.2026. The appeal was dismissed on 10.07.2026.

Post decision of LPA No. 394 of 2026, Hon'ble Apex Court has passed further order on 21.07.2026 in Writ **Petition (Civil) No. 31/2025 (Prakruthi Jain Vs. Bar Council of India)**, operative portion of the aforesaid order reads as under:-

"8. Hence, we hereby direct and provide that the students whose academic session was ongoing when

² 2025 SCC Online Del 7920



the judgment dated 3rd November, 2025 was rendered by the Delhi High Court, shall not be detained or prevented from appearing in the final examinations for the said academic session. The order dated 26th May, 2026 being prospective in its operation, the law students who are now facing an imminent consequence of loss of academic session on account of shortage of attendance shall not be prejudiced by the order passed by this Court and that they shall be permitted to appear in the final examination for the said academic session. In case the students have not been able to appear in the final examination either completely or partially, they shall be allowed to take the supplementary examination for this session only.”

Based upon the aforesaid order, petitioner moved CMP No. 19310 of 2026 in LPA No. 394 of 2026, seeking review of the decision rendered on 10.07.2026 in the aforesaid Letters Patent Appeal. The application was disposed of on 31.07.2026 as under with liberty reserved to the petitioner to move the Writ Court as the main writ petition was still pending consideration.:-

“After arguing for a considerable period on the review application, in context to the order passed by the Apex Court in Writ Petition (Civil) No. 31/2025, titled as Pracruthi Jain vs. Bar Council of India, on 21.07.2026, wherein certain protections have been granted to certain categories of students, learned counsel for the applicant/petitioner submits that he does not wish to press the present review application against the order dated 10.07.2026, since it only



arose out of interim order dated 30.06.2026, whereby we had upheld the same. He, thus, seeks liberty to approach the learned Single Judge, where the main matter is still pending consideration.

2. *Accordingly, the aforesaid application is disposed of, as not pressed with liberty as aforesaid.”*

Pursuant to the aforesaid liberty granted, petitioner has now moved CMP No. 19976 of 2026 with prayer to permit him to appear in the 8th semester examinations and to attend the classes of 9th semester and, consequently, to quash the detention order dated 06.12.2025 and also the reconsideration done by the committee on 08.06.2025. Learned counsel for the respondent—University submitted that separate reply is not intended to be filed to this application, since the reply stands filed to the main writ petition, therefore, requested for hearing the main matter. The case has accordingly been heard.

3. Heard learned counsel for the parties and considered the case file.

Learned counsel for the petitioner, besides relying upon the order passed by the Hon’ble Apex Court on 21.07.2026 in *Prakruthi Jain, Vs. Bar Council of India*, has also pressed into service, the decision by Division Bench of



the Hon'ble Bombay High Court in **Aniruddha Gaurav Gursal and Another Vs. State of Maharashtra and Others³**.

Learned counsel for the respondent-University emphasized upon following para-7 of the order dated 21.07.2026 passed by the Hon'ble Apex Court:-

“7. Having considered the submissions advanced at the bar, we are of the considered view that as the judgment rendered by the Delhi High Court in November, 2025 diluted the attendance norms in the law colleges and as the directions contained in the said judgment were virtually accepted by the Bar Council of India, the students who acted under a bona fide belief that mere shortage of attendance would not be an impediment to their appearing in the examinations for the ongoing academic session are entitled to the benefit of doubt as a one time measure only. Otherwise also, we may clarify that our stay order dated 26th May, 2026 categorically records that the effect thereof shall be prospective.”

Learned counsel contended that benefit of Apex Court order cannot be granted to the petitioner as the Hon'ble Delhi High Court order in *Sushant Rohilla*² was pronounced on 02.11.2025. Up till such time the petitioner had attended only 62 out of 122 lectures (excluding the lectures of suspension period). Till 02.11.2025 petitioner's

³ Writ Petition No. 6072 of 2026, decided alongwith connected matters on 10.08.2026



percentage of attendance was 50.82, i.e. well below 65%, in order to attract 5% permissible relaxation from requisite 70%. Petitioner, therefore, does not fulfill the requisite attendance even if period beyond 02.11.2025 is excluded.

4. The attendance summary of the petitioner placed on record by the respondents alongwith their reply, reflects petitioner having attended 52 out of 78 lectures beyond 02.11.2025 (66.67%). To a query of the Court, as to whether addition of 26 lectures missed out by the petitioner (post 02.11.2025) to his kitty would make good the shortage in his attendance, learned counsel for the respondent though answered in the affirmative, however, the submission made was that such method cannot be adopted. The method has to be either attendance-based or lecture-based in totality for the entire semester. Be that as it may.

In my considered opinion, in view of clear and unambiguous directions of the Hon'ble Apex Court in Para-8 (as reproduced in para-2 above), there is no necessity to even carry out the exercise of determining petitioner's attendance pre and post *Sushant Rohilla*². The Hon'ble Apex Court has clearly held in para-8 of *Prakruthi Jain Vs.*



Bar Council of India that the students whose academic session was ongoing when *Sushant Rohilla*² was rendered by the Hon'ble Delhi High Court on 03.11.2025 shall not be detained or prevented from appearing in the final examinations for the said academic session.....

In case these students have not been able to appear in the final examination either completely or partially, they shall be allowed to take supplementary examination for this session only.

The Division Bench of Hon'ble High Court in *Aniruddha Gaurav Gursal*³ has, *inter-alia* held that objective criteria identified by the Hon'ble Apex Court in Para-8 of *Prakruthi Jain Vs. Bar Council of India* was that student's academic session was ongoing on 03.11.2025 and he was facing detention or loss of that academic session on account of shortage of attendance. No subjective test was prescribed in Para 8. The Court cannot add to or subtract from class of beneficiaries expressly identified by the Hon'ble Apex Court. The Hon'ble Apex Court had identified the protected class without any territorial qualification. The order passed by the Hon'ble Apex Court is binding upon the Court and upon the Authorities and the concerned Institutions. Taking note of its some of the



previous decisions wherein relief was declined to the students attendance shortages, the Hon'ble Bombay High Court held that the Hon'ble Apex Court orders cannot be disregarded in relation to a student merely because such student had earlier approached the Court. It would be open even to such student to pursue such remedy as may be available in law. Though maintainability, scope and effect of such remedy including the effect of finality attaching to the earlier judgment, are the matters which have to be considered in the proceedings, if and when instituted having regard to the facts of the individual case. The facts of the cases were noticed as under by the Hon'ble Bombay High Court: -

“59. *We may now apply the above interpretation to the Petitioners before us. It is not disputed that the academic session 2025-26 was ongoing on 3rd November 2025, when the Delhi High Court rendered its judgment in Sushant Rohilla (supra). The present batch comprises approximately 41 students pursuing different years of the three-year and five-year law courses. Their attendance ranged between 46% and 54.37%, and they were prevented by the College from appearing for their respective semester-end examinations for the academic session 2025-26 solely on account of shortage of attendance. The Petitioners thus satisfy the objective requirements identified in paragraph 8 of the order dated 21st July 2026 of the Hon'ble Supreme Court. For the limited*



purpose of the one-time protection granted thereunder, the individual attendance percentages of the Petitioners are not determinative. The said order does not prescribe any minimum attendance threshold for the protected class. It would, therefore, be impermissible for the College or the University, or for that matter this Court, to introduce a threshold of 50%, 55%, 65% or any other percentage when the Hon'ble Supreme Court has not done so.

60. *We clarify that this conclusion does not dispense with any academic or examination requirement other than the requirement of attendance. The protection granted by the order dated 21st July 2026 extends only to students who were detained or prevented from appearing for their examinations solely on account of shortage of attendance. Thus, a student who was otherwise ineligible to appear for an examination, had not submitted the requisite examination form, had not paid the prescribed fees, was subject to disciplinary action or had failed to satisfy any independent academic requirement cannot claim immunity from such consequence merely by relying upon the order dated 21st July 2026.*
61. *The Petitioners who appeared for their examinations pursuant to the interim orders passed by this Court are entitled to have their results declared and their marksheets issued in accordance with their performance in such examinations. Where such Petitioners have successfully passed the examinations and have, pursuant to orders passed by this Court, been permitted to progress to the succeeding academic year, such academic progression cannot now be disturbed solely on account of the shortage of attendance which is*



covered by the one-time protection granted by the Hon'ble Supreme Court.

62. *The Petitioners who were not granted interim relief, or who were otherwise unable to appear for their semester-end examinations, either wholly or partially, fall within the express remedial direction contained in paragraph 8 of the order dated 21st July 2026. They are consequently entitled to an opportunity to appear for a supplementary examination in respect of the subjects in which they were unable to appear. Such supplementary examination shall be treated as an examination pertaining to the academic session 2025–26. The Petitioners shall not be required to repeat the relevant semester merely on account of the attendance shortfall which is covered by the one-time protection granted by the Hon'ble Supreme Court.*
63. *Before concluding, we consider it necessary to clarify that the direction of the Hon'ble Supreme Court is expressed in terms of an objectively identified class of students and is not confined to those who had instituted proceedings before the Hon'ble Supreme Court or before any High Court. Thus, a student who satisfies the conditions identified in paragraph 8 of the order dated 21st July 2026 cannot be denied the benefit merely because such student did not independently approach a Court of law. The benefit of the said order must, therefore, extend to all other similarly situated students of the College who were prevented from appearing for the relevant semester-end examinations during the academic session 2025–26 solely on account of shortage of attendance, subject to the qualification recorded hereinabove in respect of proceedings which had already been finally concluded prior to 21st July 2026. Any other*



interpretation would result in a situation where the benefit of a measure expressly intended by the Hon'ble Supreme Court to address the consequences of the prevailing uncertainty would accrue only to those students who had approached a Court of law. We do not consider that to be the intent of the order dated 21st July 2026.

64. *We also clarify that the protection granted by the order dated 21st July 2026, and consequently by this judgment, is confined to the academic session 2025-26 and operates strictly as a one-time measure. Nothing contained in this judgment shall be construed as diluting Rule 12 of the Legal Education Rules or Ordinances 68 and 70 of the University in respect of any other academic session. Students pursuing legal education shall continue to remain bound by the attendance requirements otherwise applicable to them."*

Operative part of the order passed by the Hon'ble Bombay High Court reads as under (relevant portions only):-

- "66. *The above Writ Petitions are accordingly disposed of in terms of the following order:-*
- (a) *The Petitioners herein, whose academic session was ongoing on 3rd November 2025 and who were prevented from appearing for the semester-end examinations during the academic session 2025-26 solely on account of shortage of attendance, shall be entitled to the one-time protection granted by the Hon'ble Supreme Court by its order dated 21st July 2026.*



(b) *The benefit of the aforesaid one-time protection shall also be extended to other similarly situated students of the College whose academic session was ongoing on 3rd November 2025 and who were prevented from appearing for the relevant examinations during the academic session 2025–26 solely on account of shortage of attendance, other than students in respect of whom proceedings concerning the same subject matter had already been finally concluded prior to 21st July 2026. The rights and remedies of such students are expressly left open in terms of paragraphs 55 to 58 above.”*

I am in agreement with the view taken by the Hon'ble Bombay High Court. The order passed by the Hon'ble Apex Court on 21.07.2026 in WP (Civil) No. 31/2025 (*Prakruthi Jain Vs. Bar Council of India*) is binding upon this Court. The petitioner falls within the purview of the directions issued by the aforesaid order. Benefit of direction issued in para-8 of the aforesaid order is admissible to him as well. Accordingly, the writ petition is allowed. Consequently, detention order dated 06.12.2025 (Annexure P-4) and the order dated 04.06.2026 (Annexure P-5) are quashed and set aside qua the petitioner. Respondent-University is directed to permit the petitioner to appear in the examinations of 8th semester and to attend



the classes of 9th semester.

Pending miscellaneous application(s), if any,
also to stand disposed of.

August 20, 2026
R.Atal

Jyotsna Rewal Dua
Judge