

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.1345/2002

(From the judgement and order dated 27/11/2001 in SA 796/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CHHOTE SINGH

Petitioner (s)

VERSUS

V.C.,G.B.PANT UNIVERSITY,AGRI.&TECH.&ANR

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for permission to place addl. documents on record)

Date : 08/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGHFor Petitioner (s) Mr. M.N. Krishnamani, Sr.Adv.
Mr. Nagendra Singh,Adv.
Mr. Vishwa Pal Singh,Adv.
Mr. P.K. Chabravarty,Adv.For Respondent (s) Mr. Raj Kumar Gupta,Adv.
Mr. Sheo Kumar Gupta,Adv.
Mr. A.N. Bardiyar,Adv.UPON hearing counsel the Court made the following
O R D E R.....L.....I.....T.....T.....T.....T.....T.....T.....J
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The petitioner took admission in Bachelor of Fishery Sciences course of study in G.B. Pant University, Nainital in the academic session 1990-91. He was supposed to clear eight semesters, out of which, he has admittedly cleared seven semesters and only one semester remains to be cleared. By order dated August 20, 1997, the Vice Chancellor of the University permitted the petitioner to register himself for the semester in 1997-98, allowing him the requisite

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extension. According to the petitioner, by the time the order was issued, the semester had already commenced and the petitioner, even if he would have taken advantage of the order, could not have completed the requisite attendance in that semester. On behalf of the respondent-University, it

is pointed out that the petitioner cannot be allowed any relief because the petitioner should have completed all the eight semesters within a period of minimum four and maximum six years as per Regulation 10. However, on behalf of the petitioner, it is pointed out that some of the students, such as D.N. Yadav, Ahmed Adil, Mahender Singh, J.S. Vohra and Y.K. Singh have been permitted to prosecute their studies beyond the prescribed maximum duration of requisite semesters (eight years in Bachelor of Agriculture Sciences) by relaxing the Regulation.

We deem it proper, in the interest of justice, to afford an opportunity to the petitioner of making a representation to the Vice-Chancellor of the University. The petitioner shall, within two weeks from today, make a representation to the Vice-Chancellor of the University, stating the reasons for his failure to take advantage of the office order dated August 20, 1997 and seeking indulgence of the Vice-Chancellor for permitting him to take advantage of the order in the next semester hereafter. In our opinion, the fact that the petitioner has already completed seven semesters, he has a case for sympathetic consideration but we leave that discretion to be exercised within the powers of Vice-Chancellor and we have no reason to assume why the

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Vice-Chancellor would not sympathetically consider the petitioner's representation unless there is something positive available to disentitle the petitioner from the exercise of discretion by the Vice Chancellor in his favour. However, we make it clear that in doing so, the Vice-Chancellor shall not feel inhibited by the Regulation prescribing the upper time limit of six years for completing the course of study. The representation, if made, within two weeks from today, shall be heard and decided and the decision communicated within a period of four weeks thereafter.

The hearing in this petition is adjourned by eight weeks.

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(Neena Verma)
Court Master

(Radha Rani Bhatia)
Court Master