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| by the teachers | | |
| C. Dissertation/Thesis | | |
| (i) Assessment by External | - | 60% |
| Examiner | | |
| (ii) Assessment by Internal | - | 40% |
| Examiner | | |
| D. For any other component of a programme not covered by the above, the weightage shall be prescribed by the Board of Studies/Programme Coordination Committee, with the approval of the Vice-Chancellor. | | |

2. A reading of sub-clause (c) of Clause 10 of Ordinance 11 would show that for students undertaking Bachelor's degree/Under-graduate diploma, 75% of the marks are allotted for semester-end examination and 25% marks are allotted for continuous evaluation by the teachers, whereas for students undertaking Master's degree/Post-graduate diploma 60% of the marks are allotted for semester-end examination and 40% marks are allotted for continuous evaluation by the teachers.

3. The case of the petitioners before the High Court in Writ Petition No. 7610 of 2011 was that for Master's degree (M.Tech), an option has been given to the students to opt out of the Master's Degree and to go for a Bachelor's Degree at the end of four years. According to the petitioners, such option put students who opt for Bachelor's Degree instead of the Master's Degree in a more advantageous position than the petitioners because 60% of their marks are for semester-end examination and 40% of their marks are for continuous evaluation by the teachers, whereas for the petitioners who are studying Bachelor's Degree course in affiliated colleges of the University, 75% of the marks are for semester-end examination and 25% marks are for continuous evaluation by the teachers. The petitioners, therefore, challenged the aforesaid provision of sub-clause (c) of Clause 10 of Ordinance 11 of the University before the High Court as discriminatory and violative of Article 14 of the Constitution and the High Court dismissed the writ petition by the impugned order dated 2nd December, 2011.

4. We have heard learned counsel for the parties and we are of the considered opinion that the High Court has rightly dismissed the challenge to sub-clause (c) of Clause 10 of Ordinance 11 of the University on the ground of violation of Article 14 of the Constitution. It has been held by this Court in Shri Ram Krishna Dalmia Vs. Shri Justice S. R. Tendolkar & Ors. (1959) SCR 279 and reiterated time and again in several subsequent decisions that Article 14 of the Constitution which provides for equal protection of laws, permits classification but such classification must have rational relation to the object sought to be achieved by the statute and when a challenge is made on the basis of Article 14 of the Constitution to a provision of a statute, the Court has to examine whether such classification is or can be held to be based on some intelligible differentia which distinguishes persons or things that are grouped together from those left out of the group and whether such differentia has a reasonable relation to the object sought to be achieved by the statute.

5. In this case, all those students who are undertaking B.Tech (Bachelor's Degree) in affiliated colleges belong to a group different from the students who are undertaking Master's Degree and the intelligible differentia for the two groups is that the two groups are undertaking two different courses from the University. Based on this differentia between the two groups, the University authorities have in their wisdom thought that for Master's degree more weightage has to be given for the continuous evaluation by the teachers and therefore

provided for 40% of the marks for continuous evaluation by teachers to all those undertaking Mater's Degree whereas for Bachelor's Degree less weightage is to be given for continuous evaluation by the teachers and are therefore provided for 25% of the marks for continuous evaluation of teachers. It is for the University authorities to decide how much of weightage is to be given for continuous evaluation by the teachers for the students undertaking Master's Degree and Bachelor's Degree and it is not for the Court to interfere with the decision of the authorities unless the same is shown to be wholly irrational or arbitrary.

6. We are thus of the considered opinion that no such case has been made out either before the High Court or before this Court to demonstrate that the classification of the two groups is not based on an intelligible differentia which has no rational nexus with the object sought to be achieved or that the allotment of higher marks for continuous evaluation by the teachers for those undertaking Post-Graduate courses is wholly arbitrary or irrational. The fact that an option is provided to the students undergoing the course of Master's Degree does not make the decision of the University authorities arbitrary or irrational nor does it classify those persons who exercise the option of taking the Bachelor's Degree instead of Master's Degree course as those belonging to the group of those in Bachelor's Degree in the affiliated colleges and as not belonging to the group of those in Master's Degree.

7. We, therefore, do not find any merit in this special leave petition and we dismiss the same.

.....J.
(A.K. PATNAIK)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI,
JULY 11, 2013

ITEM NO.6

COURT NO.7

SECTION XIV

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(s).14706/2012
(From the judgement and order dated 02/12/2011 in WPC No.7610/2011
of The HIGH COURT OF DELHI AT N. DELHI)

SIDDHARTH KAUL & ORS.

Petitioner(s)

VERSUS

GURU GOBIND SINGH INDRAP. UNIVERSITY
(With prayer for interim relief and office report)

Respondent(s)

Date: 11/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. Awanish Kumar, Adv.

Mr. Bankey Bihari, Adv.

For Respondent(s)

Mr. Makul Tanwar, Adv.
Ms. Purnima Bhat Kak, Adv.

UPON hearing counsel the Court made the following
O R D E R

The special leave petition is dismissed in terms of the signed
order.

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| COURT MASTER

(G. SUDHAKARA RAO)

| |
| COURT MASTER

(SHARDA KAPOOR)

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(SIGNED ORDER IS PLACED ON THE FILE)