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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010606412025

+ **W.P.(C) 12856/2025 & CM APPL. 79213/2025, CM APPL. 20775/2026**



.....Petitioner
Through: Mr Deepak Janghu, Mr Ankush Yadav, Mr Karan Thobhani and Mr Sarthak Mahajan, Advs.

versus

UNIVERSITY OF DELHI

.....Respondent
Through: Mr. Amanpreet Singh, Ms. Harpreet Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
19.08.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

“1. Issue a Writ of Mandamus directing the Respondent to set aside the adverse findings recorded in the impugned Unfair Means (UFM) proceeding dated 13.05.2025 and to immediately declare the Petitioner's examination result, in view of the absence of any incriminating material found in the Petitioner's possession.

2. Declare that the initiation and conduct of the UFM



proceedings against the Petitioner, without affording a fair hearing or opportunity to present his defence, is arbitrary, illegal, and violative of Articles 14 and 21 of the Constitution of India.

3. This Hon'ble Court may kindly invoke its inherent powers under Section 151 CPC... ”

2. The case of the petitioner is that the petitioner is a student of the Faculty of Law, University of Delhi, and was enrolled in the first semester of the LL.B. Course for the 2024-25 academic session.
3. It is stated that on 13.01.2025, the petitioner, while appearing for the Bharatiya Nyaya Sanhita (BNS) Examination, proceeded to the washroom, following which one professor, namely Professor (Dr.) Vijoy V. Panicker came to the washroom and allegedly found the petitioner cheating from a slip while using the urinal.
4. Thereafter, a Show Cause Notice dated 17.01.2025 was issued against the petitioner and the respondent's Examination Disciplinary Committee proceeded with an inquiry regarding the usage of such Unfair Means (**“UFM”**).
5. Consequently, as punishment, the petitioner was debarred from appearing in any examination at the university, till the end of the following semester under Clause ‘C’ of the applicable Guidelines. The relevant portion is as under:

CLAUSE	ACT/CONDUCT	Punishment for the programs having Semester/ Professional Examination
	1. Leaving the examination room	Cancellation of all the papers



C	without handing over the answer book to the Invigilator.	taken by the candidate during the current Semester/Professional examination.
	2. Gross misbehavior i.e. threatening with physical force in connection with the examination with the Superintendent, or the Invigilator on duty or any other staff working at the Examination Centre or with any other candidate in or around the Examination Centre, before, during or after the Examination.	Further he/she shall be debarred from appearing in any examination of the University till the end of next subsequent Semester/Professional examination.
	3. Intentionally tearing off the answer book or a continuation sheet or a part thereof.	The candidate may reappear in the same Semester/Professional examination (in which UFM case was registered) conducted by the university during next subsequent
	4. Using abusive or obscene language in the answer book.	<u>Academic Session at the earliest.</u>
	5. Where the candidate disturbs examination or attempts to do so.	

6. The petitioner preferred an appeal and the Review Committee, *vide* email dated 13.05.2025, modified the punishment awarded to the petitioner from clause 'C' to clause 'B', i.e. the cancellation of all papers undertaken by the candidate in the current semester. The relevant portion of Clause 'B' is extracted as under:

CLAUSE	ACT/CONDUCT	Punishment for the programs having Semester/ Professional Examination



B	1. Misbehaving in connection with the examination with the Superintendent, the Invigilator on duty or any other staff working at the Examination Centre before, during or after the examination. 2. Leaving the Examination Room before expiry of half an hour from the commencement of the examination without the permission of the Invigilator/Superintendent of the Examination and/or without signing the attendance sheet. 3. Keeping in possession of papers, books or notes; written notes on any material (admit card, old question paper or on any part of the clothes worn by him/her or on any part of his/her body or table or desk); any electronic device (mobile phone, smart watch, blue tooth, micro- scanner, micro-phone	Cancellation of all the papers taken by the candidate in the current Semester/Professional examination. (Including all essential repeat <u>except improvement papers</u>, if any).
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	one, micro-camera, micro-speaker, memory-based modules, Wi-Fi enable modules, etc.) or programmable calculator, if the candidate has made actual <u>use of such material or electronic device as unfair means to himself/herself or given assistance thereof to any other candidate during the examination.</u> 4. The statement of invigilator/superintendent of the examination alone will be considered as evidence along with circumstantial evidence. 5. Where the candidate takes assistance or attempts to take assistance from other candidate or any other person or from any book, paper, notes or other material (including exchange of answer book. question paper, admit card, electronic device,	
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	unauthorized material, etc.) in answering the question paper during the examination. 6. Where the answer book of the candidate show or otherwise established that he/she has received/given any help from/to another candidate in a malafide manner during the examination.	
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7. The petitioner is presently aggrieved by the order dated 13.05.2025 rendered by the Review committee and has preferred the present petition.
8. In the meanwhile, the respondent university has declared the result of the petitioner in all subjects, except for the subject where the petitioner was alleged to have used unfair means i.e. LB-104 (BNS).
9. I have heard the learned counsels for the parties.
10. The procedure for punishment for using UFM is prescribed in the notification dated 10.07.2024, wherein clause 'A' reads as under:

CLAUSE	ACT/CONDUCT	Punishment for the programs having Semester/ Professional Examination
	1. Talking to any person inside or	Cancellation of the



A	outside the Examination Hall during the examination hours, without the permission of the Supervisory staff. 2. Writing text, figures, etc. on the current question paper. 3. Deliberately disclosing his/her identity or making any distinctive mark in the answer book for that purpose in contravention of any instruction in this regard. 4. Tearing off the answer book or a continuation sheet or a part thereof unintentionally. 5. Keeping in possession of papers, books or notes; written notes on the admit card, old question paper or on any part of the clothes worn by him/her or on any part of his/her body or table or desk; any material with notes written on them; any electronic device (mobile phone, smart watch, blue tooth, micro-scanner, micro-phone, micro-camera, micro-speaker, memory-	particular paper where the student has committed such act/conduct. Declaration of the result on the basis of the performance of the candidate in the remaining papers. The candidate shall be deemed to have secured <u>zero mark</u> in the paper so cancelled.
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	based modules, Wi-Fi enable modules, etc.) or programmable calculator, which could be helpful or of assistance to him/her in answering the paper but the candidate has <u>not used for copying himself/herself or not given any assistance to any other candidate from such material or device.</u> 6. Committing breach of any other instruction given to candidates in the Examination Hall.	
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11. I have perused the inquiry report. As per the inquiry report, no statement of Professor (Dr.) Vijoy V. Panicker is shown to me which states that the petitioner was found using the material in the urinal.
12. I am of the view that in the inquiry proceedings, the applicable test is of preponderance of probability and not proving a fact beyond reasonable doubt as in a criminal trial.
13. In my opinion, the cancellation of the papers of the entire semester is not proportional, as even on preponderance of probability, it has not been proved that the petitioner was found using the material for copying or cheating in the paper.
14. I have also taken a view in ***WP (C) 10037/2026*** titled ***K. Dhruv Raj v. Union of India and Ors.***, that the imposition of penalty as under



Clause ‘B’ is in the nature of a major punishment having a substantial impact on academic career of the petitioner and therefore, the invigilators should have actually seen the charged candidate “using the material.”

15. A perusal of the Inquiry Report seems to suggest that the cheating material was found in the washroom and nothing in the report indicates that the student was found in “actual use of such material”, as required by clause ‘B’. The petitioner is accordingly entitled to a benefit of doubt in his favour.
16. Hence, the case of the petitioner falls under category ‘A’ of the applicable Guidelines and notification, and the punishment shall be imposed accordingly.
17. Any consequential benefits that accrue from the order passed today shall also enure in favour of the petitioner.
18. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

AUGUST 19, 2026/sp