

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.10571 OF 2020 (EDN-RES)

BETWEEN:

DIVYANSHU BADOLE,
SON OF SHRI RAMARATAN BADOLE,
AGED ABOUT 23 YEARS,
STUDENT, NATIONAL LAW SCHOOL
OF INDIA UNIVERSITY,
BENGALURU.
RESIDING AT. C-5, NIRMAL PARK,
DR.AMBEDKAR ROAD, BYCULLA,
MUMBAI-400027.

... PETITIONER

(BY SRI. VEDANTH CHUGH, ADVOCATE FOR
SRI. PRADEEP NAYAK, ADVOCATE))

AND:

1. THE NATIONAL LAW SCHOOL OF INDIA UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
GNANABHARATHI ROAD,
NAGARBHAVI,
BENGALURU-560072.
2. THE VICE CHANCELLOR,
NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,
GNANBHARATHI ROAD,
NAGARBHAVI,
BENGALURU 560072.

... RESPONDENTS

(BY SRI. ADITYA NARAYAN, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED ORDER OF THE R-1,
COMMUNICATED BY ITS UNDERGRADUATE COUNCIL TO
THE PETITIONERS VIDE EMAIL DATED 02 JULY 2020
ANNEXURE-A AND ETC.,

THIS PETITION COMING ON FOR *PRELIMINARY HEARING* THIS DAY THROUGH VIDEO CONFERENCE, THE COURT MADE THE FOLLOWING:-

ORDER

Petitioner a student prosecuting his Under Graduate studies in Law ie, BA., LLB., (Hons) decree course in the 1st respondent-University is knocking at the doors of Writ Court for assailing the communications dated 02.07.2020 and 08.08.2020 at Annexures-A & B respectively whereby his project submissions having not been accepted on the ground of delay, he has not been permitted to attend classes for keeping up the term of the course.

2. The respondents having entered caveat through their learned counsel resist the writ petition making submission in justification of the impugned action, pointing out the circumstances that militate against the claim of the petitioner.

3. Having heard the learned counsel for the parties and having perused the petition papers, this Court declines to grant indulgence in the matter for the following reasons:

(a) the respondent-University has promulgated the “BA.,LL.B., (HONS) ACADEMIC & EXAMINATION REGULATIONS” that govern the Under Graduate

Programmes; Regulation III speaks of *inter alia* announcement of project topics for the Trimester, deadline for submission of the Project assignments, extension of deadline in the case of delay and the penalty for late submission; there is no dispute as to the subject project assignments being submitted by the petitioner beyond the deadline after the extension of time granted by the Vice-Chancellor;

(b) there is a lot of force in the contention of the counsel for the University that the subject matter having been regulated by the instrument of law namely, the aforesaid Regulations, the right to remedy which an aggrieved student seeks to enforce has to necessarily arise from the legal regime ie., the subject Regulations only; clause (2) of Regulation III specifically fixes the last dates for the submission of the project assignments; clause (7) of this Regulation vests discretion in the 'UGC' to grant extension for a maximum period of six days on only two specified grounds into which the argued case of the petitioner does not fit; although the proviso to this clause empowers the UGC to grant an extension of more than six days, it has to be only 'for medical reasons' as stated in so many words, therein; that being the position the non-

medical ground namely, the alleged problem of internet facility during the COVID-19 pandemic at the place of the petitioner, does not entitle him to seek shelter under the shadow of this proviso;

(c) the learned counsel for the University is more than justified in pointing out that the argued medical ground as a justification for extension of the time for submission of project assignments is not substantiated, petitioner having not produced even an iota of material in support thereof; even the date which he mentions as the commencement of quarantine period, he having allegedly come in contact with a COVID infect/suspect, too will not come to his aid, since till then he had abundant time at his disposal for accomplishing the task at hands; he has not produced even a piece of paper of a bus-ticket-size to *prima facie* convince the respondents, if not this Court, of the argued problem of internet facility, despite demand vide Co-ordinator's reply mail at Annexure-M; when all other students have successfully accomplished the assignment within the time stipulated/extended, petitioner's version that he had some difficulty with the internet facility does not gain acceptance, the same appearing self-serving; in fact, legally permissible

extension of the period was gracefully accorded by the Vice-Chancellor, as rightly pointed out by the learned counsel for the respondents vide Annexure-P; and,

(d) the matter relating to submission of project assignments in a prescribed or extended time frame and the decision for not granting any more extension have abundant elements of academic policy as expressed through the Regulations in question; in such academic matters, writ courts ordinarily do not readily interfere, subject to all just exceptions into which the case of the petitioner is not shown to fit; no extraordinary circumstances are exhibited warranting indulgence in writ jurisdiction; if relief is granted to a student in the given circumstances, the same is likely to lay down an ill-precedent that has abundant abuse potential at the hands of unscrupulous or non-punctual students, nearly circumstanced alike; that potential risk too restrains this Court from exercising the discretion in favour of the petitioner, whose case otherwise also, does not merit favourable consideration.

In the above circumstances, this writ petition being devoid of merits is liable to be dismissed and accordingly it is, costs having been made easy.

There is no scope for the apprehension that, petitioner is likely to be otherwise prejudiced because of this legal battle in which victory eluded him, law being loaded against.

**Sd/-
JUDGE**

Bsv