

Appendix-81
Resolution No.14-7

1. Ms. Priyadarshini Das was pursuing B.A. (Hons.) in English in batch of 2011- 2014 from Miranda House. On account of severe depression and chronic migraine which impacted her studies, she could not clear examination for one subject viz. 'DC Economics-Principles of Economics', wherein she had secured 31 out of 75 marks in theory examination but was awarded 0 out of 25 marks in Internal Assessment. For this reason, she has not been able to pass the subject and become a graduate. She fell short by 9 marks which would secure passing marks for her in the subject under reference.
2. Internal Assessments marks of the subject under reference were declared in April, 2013. Ms. Priyadarshini Das case is that, despite her medical condition she had submitted her assignments and appeared in class tests but at the time of declaration of Internal Assessment marks, she was unable to take notice of the fact that no marks were awarded.
3. As per the contents of the Order of the Hon'ble High Court of Delhi Ms. Priyadarshini Das made several representations to Miranda house and her case was finally considered, wherein the following decision was taken and communicated to the College by the OSD (Examinations) vide letter dated 12.10.2017. The operative part of the letter is as under:

In this connection, it is hereby informed you that the case was put up before the competent authority but it has been turned down, because she has repeated the theory paper of above mentioned subject. As per Academic Council resolution no. 43, dated 18th July, 2003, 1.A rules Amended Clause 6(i): "In the case of students who repeat one or more papers, or all papers of part I, part II or part III, the Internal Assessment Marks shall be carried forward". The student has repeated the above said paper two (2) times and the case is already four years and three months old. Moreover, as per laid down procedure and approved by Chairman I.A.M.C. and letter no EDP/2016/0905 dated 11/11/2016 of Dean (Examinations), rectification in internal assessment marks is done by University only for latest semester examination papers if there is any deficiency in Internal Assessment marks. Thus, the case cannot be processed by University at this stage."

4. Counsel for Petitioner submitted before the Hon'ble Court that the case of Ms. Priyadarshini Das that her case can be considered as an exception under "Ordinance X-C. Permissive Provisions" of the University of Delhi.
5. The Hon'ble High Court of Delhi vide Order dated 17.11.2022 in WPC No.13812/2019 directed the University to consider the case of Ms. Priyadarshini Das and take a decision thereon in the next Academic Council meeting. The Court anticipate that the University will considered the matter sympathetically considering the background of the petitioner's ailment and sufferings. A copy of the Order is enclosed herewith.

6. In this connection, Ordinance X-C of the Ordinances of the University is re-produced below:

“The Academic Council may, in exceptional cases grant exemption from the operation of any of the Ordinances governing admission of students, migration, the courses to be pursued by them, attendance at lectures or sessional or other work or the examination of the candidates and authorize what is proper to be done instead in such cases, provided that no such exemption and authority shall be deemed to have been granted unless not less than two-thirds of the members present of the Academic Council voted in favour of the motion for such exemption and authority made by, or with the written authority of the Vice Chancellor; and Provided further that this two-thirds majority voting for the exemption should not be less than half the total strength of the Academic Council at the time”.

7. It has been directed by the Hon’ble Court of Delhi dated 17.11.2022 to consider the case of Ms. Priyadarshini Das in light of afore-mentioned Ordinance X-C and take a decision thereon in the next Academic Council meeting. The Court anticipates that Respondent No. 2 University will consider the matter sympathetically considering the background of Petitioner’s ailment and suffering.
8. In view of the Order of the Hon’ble High Court of Delhi in the matter of Ms. Priyadarshini Das, it is submitted before the Academic Council for kind consideration.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13812/2019
PRIYADARSHINI DAS Petitioner

Through: Ms. Monisha Handa & Mr. Anubhav
Sharma, Advocates.

versus

MIRANDA HOUSE COLLEGE AND ANR. Respondents

Through: Mr. Mohinder J.S Rupal & Mr.
Kumar Abhishek, Advocates for
University of Delhi.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA
ORDER
% **17.11.2022**

1. Petitioner was pursuing B.A. (Hons.) in English in batch of 2011-2014 with Respondent No. 1-Miranda House, which is affiliated to Respondent No. 2-University of Delhi. On account of severe depression and chronic migraine which impacted her studies, she could not clear examination for one subject viz. 'DC Economics-Principles of Economics', wherein she had secured 31 out of 75 marks in theory examination but was awarded 0 out of 25 marks in Internal Assessment. For this reason, she has not been able to pass the subject and graduate. It is stated that even if 9 marks were awarded in Internal Assessment then Petitioner would secure the passing mark for the said subject.

2. Internal Assessments marks of said subject were declared in April,

2013. Petitioner's case is that, despite her medical condition she had submitted her assignments and appeared in class tests with great difficulty but at the time of declaration of Internal Assessment marks, she was unable to take notice of the fact that no marks were awarded or communicate the same to her parents/guardians on account of her ill-health.

3. Thereafter, Petitioner made several representations to Respondent No. 2-University and her case was finally considered, wherein the following decision was taken and communicated to Respondent No. 1-College vide letter dated 12th October, 2017, as under: -

In this connection, it is hereby informed you that the case was put up before the competent authority but it has been turned down, because she has repeated the theory paper of above mentioned subject. As per Academic Council resolution no. 43, dated 18th July, 2003, I.A rules of Amended Clause 6(i): "In the case of students who repeat one or more papers, or all papers of part I, part II or part III, the Internal Assessment Marks shall be carried forward". The student has repeated the above said paper two (2) times and the case is already four years and three months old.

Moreover, as per laid down procedure and approved by Chairman I.A.M.C. and letter no EDP/2016/0905 dated 11/11/2016 of Dean (Examinations), rectification in internal assessment marks is done by University only for latest semester examination papers if there is any deficiency in Internal Assessment marks. Thus, the case cannot be processed by University at this stage."

[sic]

4. Ms. Monisha Handa, counsel for Petitioner, states that Petitioner's case can be considered as an exception under "Ordinance X-C. Permissive Provisions" of Respondent No. 2-University, which reads as under: -

"The Academic Council may, in exceptional cases grant exemption from the operation of any of the Ordinances governing admission of students, migration, the courses to be pursued by them, attendance at lectures or sessional or other work or the examination of the candidates and authorise what is proper to be done instead in such cases, provided that no such exemption and authority shall be deemed to have been granted unless not less than two-thirds of the members present of the Academic Council voted in favour of the motion for such exemption and authority made by, or with the written authority of the Vice-Chancellor; and

Provided further that this two-thirds majority voting for the exemption should

not be less than half the total strength of the Academic Council at the time”.

5. Relying on the above Ordinance, she states Academic Council may consider Petitioner's case on sympathetic grounds and exempt Petitioner from the application of afore-noted Academic Council resolution no. 43 dated 18th July, 2003.
6. In light of the above, Respondent No. 2-University is directed to consider Petitioner's case in light of afore-mentioned Ordinance X-C and take a decision thereon in the next Academic Council meeting. The Court anticipates that Respondent No. 2-University will consider the matter sympathetically considering the background of Petitioner's ailment and sufferings.
7. With the above directions, the present petition is disposed of.
8. In case Respondent No.2-University's decision does not find favour with Petitioner, Petitioner shall be at liberty to take recourse to appropriate remedies available under law.

SANJEEV NARULA, J

NOVEMBER 17, 2022/bsr