



2025:DHC:8646



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

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Judgment Delivered on: 24.09.2025

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W.P.(C) 10203/2025 & CM APPL. 42375/2025, 51525/2025

DIVA SAXENA

.....Petitioner

Through: Mr. Bibhuti Bhushan Mishra, Mr. Anubhav Gupta, Mr. Dhruv Chauhan, Ms. Niharika Punn, Ms. Muskan, Mr. Akash Kumar and Ms. Siddharth Gupta, Advs.

Versus

SCHOOL OF PLANNING AND ARCHITECTURE
& ORS.

.....Respondents

Through: Mr. Ankur Chhibber, Adv. for R-1, 3 & 5.
Mr. Shivam Sachdeva, SPC for UOI with Mr. Yash Agrawal, Adv. for R-2 & R-6.

CORAM:**HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J (ORAL)**

1. The present petition has been filed seeking following relief:

"a) Pass an order issuing a writ of certiorari or any other writ, order or direction in the nature of certiorari thereby declaring the retrospective operation of notification dated 28.04.2025 (Annexure P4) to be arbitrary and illegal.

b) Pass an order issuing a writ of certiorari or any other writ, order or direction in the nature of certiorari thereby declaring the action of the respondent detaining the petitioner to appear in second semester examination of Bachelors of Architecture to be arbitrary



2025:DHC:8646



and illegal.

c) Pass an order issuing writ of mandamus or any other writ, order or direction in the nature of mandamus thereby directing the respondents to either conduct a special examination for the petitioner for her course of Bachelor of Architecture (Enrolment No. A/2024/3971) or alternatively, to promote the petitioner to the second year and allow her to appear in supplementary examination for the subjects of the second semester as and when applicable.

d) Pass an order issuing writ of mandamus or any other writ, order or direction in the nature of mandamus thereby directing the respondents to decide the representation dated 11.07.2025 annexed as Annexure P2 made by the petitioner to the respondents in a time bound manner preferably within 1 (one) weeks' time or whatever time deemed fit by this Hon'ble Court by way of passing of a speaking order after providing an opportunity of being heard to the petitioner herein.

e) Pass an order issuing writ of mandamus or any other writ, order or direction in the nature of mandamus thereby directing the respondents to ensure that the "Ordinance No. 1, Examination Rules, 2017" is made equally applicable across the sections and courses in a non-discriminatory manner."

2. The case set out in the present petition is that the petitioner is a first year student of B.Arch. having taken admission in the year 2024 at the respondent no.1/ School of Planning and Architecture. The controversy in the present petition pertains to the petitioner's attendance in 2nd semester (January, 2025 – May, 2025).

3. As per Clause 7 of Attendance Requirements of 'Ordinance No.1- Examination Rules -2017' for Under-Graduate and Post-Graduate Programmes [hereinafter 'Ordinance'], a student must have minimum aggregate attendance of 75% and a minimum 50% in an individual subject



in a semester. It is further provided that in case the said threshold is not met by a student, he/she shall be detained and will have to repeat all courses of a semester in a subsequent year. The relevant excerpts of Clause 7 of the said Ordinance reads thus:

“7. ATTENDANCE REQUIREMENTS

7.1 Minimum aggregate attendance of seventy-five percent (75%) in overall lectures, tutorials, studio, laboratories, field works, etc. taken together in all subjects and a minimum of fifty percent (50%) of classes separately in each subject, including lectures, tutorials, studio, laboratories, field works, etc. during the semester shall be the basic eligibility of a student to appear in the external examination of any subject at the end of a semester.

7.2. A student not having seventy-five percent (75%) aggregate attendance or fifty percent (50%) in individual subject in a semester shall be detained and will have to repeat all courses of a semester in a subsequent academic year irrespective of the attendance or marks obtained in any course in the foregoing semester.”

4. Mr. Bibhuti Bhushan Mishra, learned counsel for the petitioner submits that a Notice dated 10.03.2025 was issued by the respondent no.1 which provided that students with less than 50% attendance overall in a relevant semester shall be detained. He submits that the said Notice further provided that students having attendance more than 65% and less than 75% in all courses individually will be downgraded in the following manner:

“

S.No	Percent of Attendance	Downgrading of Grades of Percentages
1.	XXX	XXX
2.	<i>Students having attendance more than 65 and less than 75 percent in all courses individually.</i>	<i>15 percent marks shall be deducted from the internal assessment of individual subject(s) provided the student was absent from class due to academic or co-curricular or extra-</i>



2025:DHC:8646



		<i>curricular activity with the prior permission from the Head of Department.</i>
3.	<i>Students having attendance more than 50 and less than 65 percent in all courses individually.</i>	<i>25 percent marks shall be deducted from the internal assessment of individual subject(s) and shall not be eligible for any medal or award during the Convocation.</i>
4.	<i>Students having attendance less than 50 percent in all courses individually.</i>	<i>35 percent marks shall be deducted from the internal assessment of individual subject(s) and shall not be eligible for any medal or award or certificates of achievements during the convocation.</i>

Note:

1) If a student attends less than 50 percent classes of the overall attendance in theory or studio or project, the student shall be detained and will have to repeat all courses of the relevant semester in the subsequent semester.

2) Girl students shall be granted a further relaxation of 2 percent in each of the cases. ”

(emphasis supplied)

5. He submits that however, subsequently, respondent no.1 came out with another Notice dated 28.04.2025 which provided that the attendance requirement as stipulated in the Ordinance will be applicable for the current Semester i.e. January 2025- May 2025.

6. He submits that 2nd semester had commenced from January 2025 and in the months of January and February, the petitioner was having approximately 62% attendance and the Notice dated 10.03.2025, which provided minimum threshold of 50% overall attendance remained in vogue for a period of 01 month and 18 days.

7. He submits that had the factum of maintaining minimum 75% of



2025:DHC:8646



overall attendance been brought to the knowledge of the petitioner during the said period, the petitioner would have made up for deficient attendance.

8. He contends that the subsequent Notice dated 28.04.2025 has been made applicable retrospectively in an arbitrary manner, which resulted in deficiency in petitioner's overall attendance. He submits that on account of deficiency in attendance, the petitioner was not permitted to take 2nd semester examination, and her result has accordingly been declared as 'failed/detained'.

9. He submits that action of the respondent no.1 in issuing Notice dated 28.04.2025 and making it applicable retrospectively is contrary to the prior Notice dated 10.03.2025, which does not mandate debarment if overall attendance is above 50%, rather it only provides for downgrading in grades.

10. *Per contra*, Mr. Ankur Chhibber, learned counsel for the respondent nos. 1, 3, 4 and 5 submits that the 2nd semester started in January 2025 and the attendance of the petitioner was short from the very beginning. He submits that the petitioner was not meeting the threshold of 75% attendance even in the months of January/ February, 2025.

11. He further contends that after the Notice was issued on 28.04.2025 restoring the earlier rule of minimum attendance of 75%, the petitioner and other similarly situated students were afforded opportunity to make up deficiency in their attendance by giving them remedial classes. He submits that even after taking remedial classes, the petitioner could only achieve the attendance percentage of 70%. Thus, the petitioner's overall attendance remains short of minimum 75% overall attendance as required by the Ordinance. He submits that the attendance provided under the Ordinance is sacrosanct and since the petitioner did not meet the said threshold, she was



2025:DHC:8646



detained and not allowed to take her exam for the 2nd semester.

12. He further contends that the petitioner had made a request for declaring the academic year 2024-25 as 'Zero Year' for the petitioner on the medical grounds and the said request was acceded to by the respondent no.1. Therefore, the petitioner now cannot turn around and impugn the decision of the respondent no.1 whereby the petitioner was debarred from taking exam.

13. In rejoinder, Mr. Mishra submits that the request for 'Zero Year' was made by the petitioner only when petitioner was shut out from taking 2nd semester exam, and she was left with no option but to make such a request. He contends that in any case, the petitioner's total attendance is 70% as against 75% provided under the Ordinance.

14. Having heard the learned counsel for the parties, it is to be noted that the 2nd semester of the petitioner's programme i.e. B.Arch commenced from January 2025.

15. It is not in dispute that in the months of January and February, the petitioner was having approximately 62% attendance. Thereafter, the respondent no.1 issued Notice dated 10.03.2025 which in clear terms provided that the students who attend less than 50% classes of the overall attendance in theory or studio or project, they shall be detained and will have to repeat all courses of the relevant semester in the subsequent semester. The said Notice further provided that Girl students shall be granted further relaxation of 2% in each of the cases.

16. The Notice dated 10.03.2025 also contained following stipulations that: (i) in case of students having attendance more than 65% and less than 75% in all courses individually, 15% marks shall be deducted from the internal assessment of the individual subject(s), provided the students were



2025:DHC:8646



absent from classes due to academic or co-curricular or extra-curricular activities with the permission from the Head of Department, (ii) in case of students having more than 50% and less than 65% in all courses individually, 25% marks shall be deducted from the internal assessment of the individual subject(s) and shall not be eligible for any award or medal during the convocation, and (iii) in case of students having attendance less than 50% in all courses individually, the provision was made for deduction of 35% marks from the internal assessment of individual subject(s).

17. Clearly, the Notice dated 10.03.2025 does not speak of detaining any students having attended more than 50% classes in theory or studio or project.

18. As noted above, the attendance of the petitioner during the months of January and February was 62%, whereas for the months of March and April, it is stated to be 67%. Evidently, till the month of April, the petitioner was having overall attendance much above the minimum threshold of 50% prescribed in the Notice dated 10.03.2025.

19. The petitioner's overall attendance fell short only on account of subsequent Notice dated 28.04.2025 issued by the respondent no.1 towards the fag end of the 2nd semester, which restored the earlier rule position as provided in '*Clause 7: Attendance Requirement of Ordinance No.1: Examination Rules 2017 for Undergraduate and Postgraduate Programmes*' and made it applicable for the ongoing semester (January 2025 – May 2025), which require students to maintain 75% aggregate attendance or 50% in individual subject, failing which, they have to be detained and repeat all courses of a semester in a subsequent academic year.

20. In the given circumstances, the fault cannot be fully attributed to the



2025:DHC:8646



petitioner. The respondent no.1 is equally responsible for creating a confusion by issuing Notice dated 10.03.2025 and thereafter, issuing subsequent Notice dated 28.04.2025 in supersession of the earlier Notice giving it retrospective effect, and thereby depriving the students of the benefit of the Notice dated 10.03.2025, which remained in operation for approximately 1/3rd part of the semester.

21. This Court is of the view that once the threshold of minimum attendance required for eligibility of a student to appear in the external examination had been lowered from 75% to 50% by way of Notice dated 10.03.2025, which remained in vogue during considerable period of 2nd semester i.e. from 10.03.2025 till 28.04.2025, the subsequent restoration of the earlier rule position of having minimum overall attendance of 75% created confusion in the minds of the students like petitioner.

22. Ergo, this Court finds merit in the submission of Mr. Mishra that had it been known to the petitioner during the months of March and April that the minimum overall attendance would be 75%, she would have made an endeavour to meet the said requirement during the said months.

23. In view of the above discussion, this Court is of the view that, if at all the earlier rule of having minimum overall attendance of 75% was to be restored, the same should have been done with effect from the subsequent semester, and in any case, the same ought not to have been made applicable to the ongoing semester (January 2025 – May 2025) retrospectively, by issuance of Notice dated 28.04.2025 towards the fag end of 2nd semester.

24. Insofar as the submission of Mr. Chhibber to the effect that the petitioner herself had made an application for declaring her academic year i.e. 2024-2025 as a 'Zero Year', is concerned, this Court is persuaded to



2025:DHC:8646



accept submission of Mr. Mishra in that behalf that the petitioner was constrained to make such an application only after she had been shut out from taking the 2nd semester examination by the respondent no.1.

25. As regards Mr. Chhibber's submission that classes of 3rd semester have already commenced from July 2025 and the petitioner has missed substantial part of her classes, therefore, she may not be permitted to attend her classes is concerned, suffice to say, the petitioner cannot be made to suffer if she has been prevented from attending the classes on account of an action of the respondent no.1, with which this Court has not found favour.

26. Furthermore, this Court cannot be unmindful of the fact that in case the petitioner is not permitted to take classes of 3rd semester along with her batch mates, she will loose entire academic year, and besides that, the fee deposited by her, which is stated to be an amount of Rs. 1 lac (approximately) per semester, shall go waste.

27. In any case, 3rd semester will continue till the month of December-2025. Therefore, necessary remedial classes/ assignments can be given to the petitioner to make up for deficiency, if any, in the requisite attendance for the classes of 3rd semester, which she could not attend during the period when she had been diligently prosecuting the present petition, that was filed on 17.07.2025.

28. In view of the above, the petition is allowed, and the following directions are passed:-

- i. the respondent no.1 is directed not to treat the Academic Year 2024-2025 of the petitioner as a 'Zero Year';
- ii. the respondent no.1 shall allow the petitioner to attend classes of 3rd semester alongwith her batch mates, forthwith;



2025:DHC:8646



- iii. the respondent no.1 is further directed to give remedial classes/assignments to the petitioner so that she can make up for the deficiency, if any, in the attendance of 3rd semester;
 - iv. since this Court has been informed that the petitioner may take her 2nd semester examination along with her 4th semester examination, the respondent no.1 is directed to permit the petitioner to do so, as per its examination policy;
29. In view of the above, the petition along with pending applications, stands disposed of.
30. Order *dasti* under the Signatures of the Court Master.

SEPTEMBER 24, 2025/dss

VIKAS MAHAJAN, J