

**IN THE GAUHATI HIGH COURT**  
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

WP (C) 142(AP) 2014

ITANAGAR BENCH

1. Sri. Hura Rana,  
S/O Lt. Hura Nira,  
R/O Yangte Village,  
P/O & P/S Sangram,  
District-Kurung Kumey,  
Arunachal Pradesh.
2. Sri. Boyi Yaying,  
S/O-Sri. Tassor Yaying,  
R/O- Bogu Village,  
P/O & P/S-Kaying,  
District-West Siang,  
Arunachal Pradesh

..... **Petitioners.**

**By Advocates:**  
**Mr. C. Modi,**

-Versus-

1. The Rajiv Gandhi University,  
Represented by Registrar,  
Rono Hills Doimukh, Arunachal Pradesh,  
Pin-791111.
2. The Deputy Registrar,  
Rajiv Gandhi University, Rono Hills,  
Doimukh, Arunachal Pradesh,  
Pin-791112.
3. The Controller of Examinations,  
Rajiv Gandhi University, Rono Hills,  
Doimukh, Arunachal Pradesh,  
Pin-791112.
4. The Principal, Arunachal Law Academy,  
Lekhi, P.O/P.S- Naharlagun, Dist.- Papum  
Pare, Arunachal Pradesh.

.....**Respondents.**

**By Advocates:**

Mr. M. Pertin, learned CGC for respondent Nos. 1 to 3.  
Mr. A. Saring, learned Adv. for respondent No. 4.

**BEFORE**  
**HON'BLE JUSTICE Dr. (Mrs.) INDIRA SHAH**

Date of hearing : 22-05-2014.

Date of Judgment & Order : 18-06-2014.

**JUDGMENT & ORDER (CAV)**

Heard Mr. Chorpok Modi, learned counsel for the petitioners. Also heard Mr. Muk Pertin, learned CGC appearing on behalf of the respondent Nos. 1 to 3 (Rajiv Gandhi University Authority) and Mr. Amit Saring, learned counsel appearing on behalf of respondent No. 4.

2]. The petitioners, herein, are the students of Arunachal Law Academy pursuing their 3 years Degree Course in the said Academy, who got admission in the month of July, 2008. Out of 6 semesters, they cleared 5 semester of the degree programme but in the sixth semester petitioner No. 1 could not obtain the requisite pass mark in Company Law. Petitioner No. 2 could not clear Taxation Law within the time framework of 5 years Degree Course. The petitioners, thereafter, vide their representation, requested the respondent authority to allow them a special chance to appear in examination, as they have already cleared 36 papers out of total 37 papers of the Law Course but the respondent No. 2, vide the impugned letter dated 24.10.2013 intimated the petitioners that since they have failed to complete the course within the given chance and stipulated period, their appeal for additional chance to appear the back paper examination could not be considered. In pursuance to impugned order, they were not allowed to fill up the examination form for ensuing examination, supposed to be held on 07.05.2014.

3]. The relevant Rules and Regulations of Rajiv Gandhi University to which the Arunachal Law Academy is affiliated is quoted as under:

***“The degree programme leading to LLB shall be of 3 (three) years duration from the date of his /her first admission. A student shall be allowed to appear in not more than three consecutive chances in any of the 3 year examination. A candidate who fails to appear in an examination due shall loss that particular chance allowed to him/her by this clause. A student will be eligible to joined the next semester provided he/she could clear at least three papers of the preceding semester. After completion of 4<sup>th</sup> semester, he/she should clear 18 papers out of the 24 papers to be eligible for admission to 5<sup>th</sup> Semester. Those who completed the above course should clear the back papers within 2 years (i.e. five years in total). Otherwise, the registration stands cancelled”.***

4]. Let me examine first what is nature of right of petitioners. The petitioner's right to admission to any institution for having education has not been affected. They got opportunity to have education but their grievance is that they should not be denied to appear in the ensuing examination. Their right to appear in examination, whether is an extended right to education as guaranteed under Article 41 of the constitution of India ?.

5]. The petitioners herein, however, have not challenged the rules and the constitutional validity of the rules. Each and every institution have/or ought to have laid down its own norms and terms and conditions for admitting

students and declaring a student successful. Having agreed the terms and conditions, the students gets admission. The academicians who are experts in field can judge how the academic standard in an institute can be achieved and their wisdom should not be interfered by the Court.

6]. Referring the judgment passed by this Court in Writ petition (Civil) No. 196 of 2012, learned counsel for the petitioners submits that the present case is a covered case. In the aforesaid case, the registration of the petitioner was still valid and yet he was disallowed taking 3<sup>rd</sup> chance for clearing up one paper of 3<sup>rd</sup> semester examination. A candidate as per the rule is entitled to avail three chances to clear the subject paper. The petitioners, herein, have alleged that they availed only two chances according to them but they have crossed the total tenure period of five years.

7]. The petitioners who took admission in three year Degree Course in the month of July, 2008 appeared in 1<sup>st</sup> Semester Examination in December 2008 and cleared all the papers. They also cleared the 2<sup>nd</sup> Semester examination in June 2009. The 3<sup>rd</sup> Semester examination was held in the month of December 2009. Petitioners could not neither appear in December, 2009 nor June 2010 to clear the 3<sup>rd</sup> Semester. They could clear the 3<sup>rd</sup> Semester in December, 2010 i.e. as 3<sup>rd</sup> Chance. 1<sup>st</sup> chance they could have availed to appear in IV Semester was June 2010 and 2<sup>nd</sup> Chance was December, 2010. They could have cleared the IV Semester in June, 2011 i.e. on 3<sup>rd</sup> Chance. They had to appear for Vth Semester for the 1<sup>st</sup> time in December, 2010 but they could clear the Vth Semester December, 2011 i.e. on 3<sup>rd</sup> chance. They ought to have appeared in VI semester examination in June 2011. Their 2<sup>nd</sup> chance to clear VI semester was thus December, 2011 and 3<sup>rd</sup> chance was June, 2012. On 3<sup>rd</sup> chance they could not clear VI Semester. By this time, counting from the date of their admission, they could not clear the back papers within five years in total; their registration has already been cancelled on completion of five years.

8]. In view of above, this Court declines to interfere with the impugned order. Accordingly, this writ application stands dismissed.

**JUDGE**

*Talom*