



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JULY, 2024

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 14591 OF 2024 (EDN-RES)

C/W

WRIT PETITION NO. 17235 OF 2024 (EDN-RES)

BETWEEN:

1. DHANUSH B.N.
S/O NAGESH B.C.
AGED ABOUT 24 YEARS
R/O NO.13, VINAYAKA LAYOUT
GNANABBANAHALLI
BANGALORE - 560 068.
2. MALAVIKA SIVADAS
D/O SIVADAS
AGED ABOUT 22 YEARS
R/O NO.100, ASHRAYA LAYOUT
BEGURU KOPPA ROAD
KULLAHALLI
BANGALORE - 560 083.
3. GOWRI KEERTHANA
D/O SHAJI D.,
AGED ABOUT 23 YEARS
R/O NO.100, ASHRAYA LAYOUT
BEGURU KOPPA ROAD
KULLAHALLI
BANGALORE - 560 083.
4. JIRIN A.R.,
S/O AJI KUMAR
AGED ABOUT 23 YEARS





R/O NO.100, ASHRAYA LAYOUT
BEGURU KOPPA ROAD
KULLAHALLI
BANGALORE - 560 083.

5. LIJO BABU
S/O BABU
AGED ABOUT 23 YEARS
R/O NO.100, ASHRAYA LAYOUT
BEGURU KOPPA ROAD
KULLAHALLI
BANGALORE - 560 083.

6. NITHIN PHILIP MATHEW
S/O MATHEW PHILIP
AGED ABOUT 23 YEARS
R/O NO.100, ASHRAYA LAYOUT
BEGURU KOPPA ROAD
KULLAHALLI
BANGALORE - 560 083.

... PETITIONERS

(BY SRI YOGESH V. KOTEMATH, ADVOCATE FOR
Sri P.H. VIRUPAKSHAIAH, ADVOCATE)

AND:

1. KARNATAKA STATE LAW UNIVERSITY
P.B. ROAD, NAVANAGAR
HUBBALLI - 580 025
REPRESENTED BY ITS REGISTRAR
2. CHRIST ACADEMY INSTITUTE OR LAW
HULLAHALLI,
BENGALURU - 560 083
REPRESENTED BY ITS PRINCIPAL.

... RESPONDENTS

(BY SRI GIRISH KUMAR R., ADVOCATE FOR R1;
SRI M.P. SRIKANTH., ADVOCATE FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA, PRAYING TO ORDER OR DIRECTION QUASHING THE E-MAIL DATED 03.06.2024 VIDE ANNEXURE-G ISSUED BY THE 2ND RESPONDENT COLLEGE HOLDING THE SAME IS ILLEGAL AND ETC.

IN W.P. 17235 OF 2024

BETWEEN:

1. KAVYANJALI
D/O B.S. MAHADESHWAR
AGE 20 YEARS
R/O NO.3/126, BYRASANDIRAM
AVALAPALLI POST
HOSUR - 635 109.

2. J.VINEETH
S/O JAGANNATHAN
AGED 20 YEARS
R/O NO.54/1, KELAMANGALAM
DENKANIKOTE DISTRICT
KRISHNAGIRI - 635 113.

3. RAHUL REDDY
S/O J.N. KESHAVA REDDY
AGED 21 YEARS
R/O NO.954, 7TH SECTOR
21ST CROSS, 8TH MAIN
H S R LAYOUT
BANGALURE - 560 102.

... PETITIONERS

(BY SRI N.K. RAMESH, ADVOCATE)



AND:

1. THE KARNATAKA LAW UNIVERSITY
SUTAGATTI ROAD
NAVANAGARA
HUBBALLI - 580 005
REPRESENTED BY ITS REGISTRAR

2. THE OXFORD COLLEGE OF LAW
NO.32, 9TH MAIN, 17TH B CROSS
SECTOR IV, HSR LAYOUT
BANGALURU - 560 012
REPRESENTED BY ITS PRINCIPAL
SMT. PRAGNYA S. PATIL

... RESPONDENTS

(BY SRI R. GIRISH KUMAR, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECTING THE RESPONDENTS TO CONTINUE THE 1ST AND THE 2ND PERITITONERS TO PURSUE THE 6TH SEMESTER OF B.A.LL.B., AND BB.A. LL.B., AND TO CONTINUE THE 3RD RESPONDENT IN THE 4TH SEMESTER OF B.A. LL.B., COURSE AND ETC.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 11.07.2024 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:



CORAM: HON'BLE MR JUSTICE S SUNIL DUTT YADAV

C.A.V. ORDER

(PER: HON'BLE MR JUSTICE S SUNIL DUTT YADAV)

In W.P.No.14591/2024

The petitioners are students of respondent No.2-Christ Academy Institute of Law, Bengaluru pursuing their Five Years (Semester Scheme) LL.B. Course.

2. The Karnataka State Law University, Hubballi has formulated Regulations governing the Course which governs the respondent No.2 College as well.

3. It is submitted that the petitioners undisputedly have been promoted to 5th year and though attended the classes for 9th Semester, they were not permitted to write the examination, in light of attendance being below the required 70%.

4. The petitioners then sought to attend the classes for 10th Semester and were not permitted in terms



of the communication through Email at Annexure-'G' and accordingly, have filed the present petition seeking setting aside of the communication through E-mail at Annexure-'G' dated 03.06.2024.

5. It is the contention of learned counsel for the petitioners that Regulation 13 of "Karnataka State Law Universities Regulations Governing the Five year B.A. LL.B. Integrated Degree Course in Law" ['the Regulations' for brevity], (Amended in 2020), if read with Regulation 15 would permit the petitioners to pursue 10th Semester, though they have not completed their 9th semester due to shortage of attendance.

6. On the other hand, the learned counsel appearing for Karnataka State Law University (KSLU) would contend that in terms of Regulation 15A(d), it is only a student who has "kept the terms of any semester" shall be allowed to go to next semester and accordingly, though the student who fails in the semester is entitled to go to next semester that would be in keeping in terms of



the Regulations, which permit the attending of end-of-semester, however, where a student does not fulfill the requirement of attendance, he/she would not be in compliance with requirement under Regulation 15A(d).

7. It is submitted that on a proper reading of Regulation 13, there is a requirement to "keep the term by putting in not less than 70% attendance in the Course concerned".

8. Learned counsel appearing for the respondent No.2-College has adopted the submissions of learned counsel appearing for KSLU.

9. Heard Sri Yogesh V. Kotemath, learned counsel appearing for Sri P.H.Virupakshaiah for the petitioners, Sri R. Girish Kumar, learned counsel appearing for respondent No.1-KSLU and Sri M.P.Srikanth for respondent No.2-College.

10. To avoid repetition, the detailed contentions are considered while analyzing the contentions.



11. It must be noticed that Regulation 13 and 15A are extracted hereinbelow which govern attendance and promotion.

"13. No student shall be permitted to appear for the end-of-semester examination unless in a given course he/she has, to the satisfaction of the course teacher, fulfilled the course requirements and has kept the term by putting in not less than 70% attendance in the course concerned. A student shall keep the term by filing the examination application form with necessary fees.

Provided that a student who has attended not less than 65% of classes in each of the subjects prescribed may be permitted to keep the term for reasons to be recorded in writing and to the satisfaction of the Principal of the college or the Dean of the faculty as the case may be.

15.A. Students admitted after coming into force of this regulation shall complete their degrees within the time frame detailed below:

(a). Every student shall be promoted to next higher classes irrespective of the fact that he has failed in any of the papers prescribed for the study.

(b). Students are required to successfully complete the entire course within Seven years (Five years of normal duration plus two



years of extended duration) from admission to the course.

(c) The candidates who does not complete their degree within Seven years shall be given an extended period of one more year in exceptional circumstances mentioned herein after.

When the candidate is unable to appear for the examinations during the extended period of two years-

i. Due to health reasons to be certified by a qualified medical practitioner.

ii. Due to supervening disability to be certified by a qualified medical practitioner.

iii. Due to representing the Country/ State/University in any sports or co-curricular competitions.

Provided the candidate has reported the inability to appear for the examination to the Registrar through the Principal of the respective college within one month of the date of examination which he/she is unable to attend or the term he/she is unable to keep.

Provided further that the candidate who has represented the Country/State/ University in any sports or co-curricular competitions as done so with the prior



- permission of the University obtained by applying through the Principal of the College.*
- (d). A student who has kept the terms of any semester shall be allowed to go to the next semester.*
- (e). A student who fails to keep the terms in even semester of any year shall keep the terms of the even semester along with the students of subsequent batches.*
- (f). A student who fails to keep the terms in odd semester of any year shall take the readmission to the same year along with the students of subsequent batches.*

12. In terms of Regulation 13, a student shall be permitted to appear for end-of-semester examination as long as he/she has not less than 70% of attendance in the Course concerned.

13. However, there is a reference to the expression 'keep the term' in Regulation 13 as well as Regulation 15A(d). There is a requirement under the Regulation for the students to 'keep the term'. Regulation 15A(d) provides that a student who has kept the terms of any semester shall be allowed to go to the next semester. The



consequence of not keeping the terms in the odd and even semester is provided under Regulation 15A(e) and 15A(f) by stipulating that, if a student who fails to keep the term is to attempt the same semester alongwith the students of subsequent batches.

14. Regulation 13 provides that a student shall be deemed to keep the term by sufficient attendance of 70% with relaxation of 5% as envisaged under the proviso to Regulation 13.

Accordingly, the word 'keep the terms' would refer to adherence to the requirements stipulated as regards attendance.

15. In regulation 15A(a), no doubt, it is stipulated that a student shall be promoted to next higher classes irrespective of he/she having failed in any of the papers. Despite such stipulation in case of a failed candidate, under Regulation 15A(d), it is expressly provided that it is only a student who has kept the terms of any semester who will be allowed to go to the next semester.



16. A combined reading of Regulation 13 and Regulation 15A(a) and 15A(d) would be that a student who fails may still be promoted to next higher class by virtue of stipulation under Regulation 15A(a). It can be stated that despite failing in a subject, the student can be construed as having kept the terms, i.e., has adhered to the other requirements including attendance as envisaged under the Regulation 13.

However, where a person does not adhere to the requirement of attendance as envisaged under Regulation 13, it can be construed that he/she has not kept the terms and accordingly, Regulation 15A(d) would prevent such student who has not kept terms as envisaged under Regulation 13 to progress to the next semester. Thus, there is a fine distinction between a student who has requisite attendance and fails vis-à-vis a student who does not have attendance and is not allowed to write the examination, which distinction visits different consequences as discussed above.



17. If that were to be so, the lack of sufficient attendance in terms of the Regulation 13 would result in the student not keeping with the terms and would be ineligible in terms of the Regulation 15A(d) to progress to the next semester. On this ground, the plea of petitioners to attend the 10th semester will not be permissible, as he/she has not kept the terms as regards attendance as mandated under the Regulation 13 and accordingly, cannot be permitted to pursue the 10th semester.

18. Hence, the contention of learned counsel for the petitioners that once a student has been promoted to the 5th year, there cannot be a bar for progressing to 10th semester leaving open opportunity to write the 9th semester subsequently cannot be accepted. The acceptance of such contention would be contrary to the Regulation 15A(d).

19. The reliance placed by the petitioners on this Court's order dated 29.06.2017 passed in W.P.No. 63253/2016 c/w W.P.Nos.61196-61199/2016 and



W.P.Nos.61272-61275 and 61571/2016 [EDN-EX] cannot be accepted, as the order passed in the said case was in the context of pre-amended provision of Regulations 13 and 15. Post the amendment in 2020, the insertion of terms, 'kept the terms' in Regulation 13 and insertion of Regulation 15A(d) providing for progression to the next semester, only if he has 'kept the terms' has altered the interpretation to be placed. The interpretation now to be placed is as discussed above. Hence, the petitioners are not entitled for any relief.

20. The students are now entitled to take up the 9th semester alongwith the students of subsequent batches and only thereafter they would be permitted to attend the 10th semester, which is a natural progression and would be in accordance with the Scheme envisaged under Regulation 15A(d).

Accordingly, W.P.No.14591/2024 is ***rejected.***



In W.P.No.17235/2024

21. The petitioner Nos.1 and 2 are students admitted in the year 2021-2022 to the respondent No.2-Oxford College of Law for pursuing 5 year LL.B. Course and have completed two terms and were to commence their 3rd term consisting of 5th and 6th semesters.

22. The petitioner No.3 was admitted to the LL.B. Course in 2022-2023 in respondent No.2-College and has completed one term of two semesters and was to commence his second term for 3rd and 4th semesters.

23. While the petitioner Nos.1 and 2 have cleared two terms of the Course, the petitioner No.3 though could not complete any of the semesters was promoted to the next higher class.

24. When the petitioner Nos.1 and 2 were to appear for 5th semester examination, the respondent No.2-College had not issued the Admission Tickets on the ground of shortage of attendance. The petitioner No.3 was not



allowed to appear for the 3rd semester examination on similar grounds.

25. It is the case of petitioners that there were certain other students who had shortage of attendance as detailed in para-4 of the memorandum of writ petition, who, however, have been allowed to take up the examination, while the petitioners have been discriminated.

26. It is submitted that petitioner Nos.1 and 2 have made representations to the respondent No.2-College seeking permission to attend the classes, but there has been no response to such representations.

27. The contentions raised in the present petition are similar to that of which are being raised in W.P.No.14591/2024. In fact, both the petitions were heard together and common arguments were addressed.



28. Heard Sri N.K.Ramesh, learned counsel appearing for the petitioners, Sri Girish Kumar, learned counsel appearing for respondent No.1- KSLU.

29. In light of identical contentions raised and the findings recorded in W.P.No.14591/2024, the present petition, i.e. W.P.No.17235/2024 is **rejected**.

30. The observations made and the findings recorded as regards the legal issues in W.P.No14591/2024 is to be read as part of the present order for completeness.

31. Needless to state that the petitioners are entitled to commence the semester which they have not completed afresh alongwith the subsequent batches.

Sd/-
(S. SUNIL DUTT YADAV)
JUDGE

VGR