

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

**(EXTRA ORDINARY CIVIL JURISDICTION)**

**WRIT PETITION (CIVIL) NO. 2764 OF 2011**

**IN THE MATTER OF:**

**Nandini Dutta & Ors**

**..... Petitioners**

**Versus**

**University of Delhi & Ors.**

**..... Respondents**

**WRITTEN SUBMISSIONS FILED ON BEHALF OF UNIVERSITY  
OF DELHI**

**SAY NO TO NO SAY**  
*Nandini Dutta & Others*

1. The Academic Council by virtue of Section 23 of the Delhi University Act, 1922 is the statutory body which is responsible for maintenance of Standards of instructions, education and examination within the University. The decision to shift to Semester System for Postgraduate Education was taken by Academic Council Resolution as far back as on 28.02.2008 [at p. 103 / Vol. IV of W.P. No. 822/2011] and approved by the Executive Council on 02.05.2008 [at p. 104 / Vol. IV of W.P. No. 822/2011]. The semester system was consequently introduced in the Postgraduate courses of the University in the academic session 2009-10 without any problem or protest.
2. The then Vice Chancellor Prof. Deepak Pental issued notices to all stakeholders for introducing Semester System at the Undergraduate level on 16.10.2008 and issued a further notice on 12.5.2009.

3. The policy decision by Academic Council to adopt Semester System at the undergraduate level was taken vide Resolution of 05.06.2009 [at p. 130 / Vol. IV of W.P. No. 822/2011] and the same was approved by the Executive Council on 26.06.2009 [at p. 143-146 at 146 / Vol. IV of W.P. No. 822/2011]. The Syllabi for 12 Undergraduate Science courses was approved by the Academic Council on 13.05.2010.
4. Emergency powers of the Vice Chancellor under Statute 11G had to be resorted to by the then Vice Chancellor Prof. Deepak Pental in May, 2010 in respect of one science course, namely, B.Sc. (Hon.) Electronics, owing to disruption of the Faculty meetings by DUTA and in respect of making some consequential amendments to Ordinances for implementing the 13 semester-based science courses in the academic session 2010-11.
5. It was thereafter that the new Administrative Team headed by the new Vice Chancellor made further efforts to implement semester system in the remaining undergraduate courses of study in Arts, Commerce, Mathematical Sciences, Music & Fine Arts and Social Sciences. The Orders were passed by this Hon'ble Court on 08.02.2011 and 28.4.2011. In between, the Academic Council in its meeting held on 25.04.2011 (total Members 134, present 101, dissent 6) [at p. 61-78 of Counter Affidavit filed by Respondent University in W.P. No. 2764/2011] ratified the decision of the earlier Vice Chancellor in exercise of his emergency powers in implementing the Semester System in the Science Courses. The Academic Council also approved semester-based syllabi of 53 Undergraduate courses in Arts, Commerce, Mathematical Sciences and Music & Fine Arts and authorized the Vice

Chancellor to take all necessary measures to implement the semesterization of syllabi in respect of those courses of study which have not yet been received from the respective faculties (including bifurcation of the current existing syllabi into two semesters, if required) for implementation in the academic session commencing in July 2011 (*Resolution No. 5, at p. 76 of Counter Affidavit filed by Respondent University in W.P. No. 2764/2011*). All of the above resolutions of the Academic Council of 25.4.2011 were duly approved by the Executive Council on 25.04.11 (total Members 17, present 16, dissenting 2) [*at p. 79-82 of Counter Affidavit filed by Respondent University in W.P. No. 2764/2011*].

**SAY NO TO NO SAY**  
Nandini Dutta & Others

6. Despite the above, the General Body of Teachers of the Department of Political Science by its Resolution of 27.04.2011 proceeded to "condemn in strongest terms" the implementation of Semester System and refused to prepare the semester based syllabi. On 02.05.2011, the Staff Council of Dyal Singh College passed a Resolution, refusing to even communicate the 'additional eligibility criteria' for admission (which are to be very shortly published in the Student Information Bulletin 2011-12 of the University in May 2011) till after the final decision of this Hon'ble Court. This Resolution was signed by one Mr. Naveen Gaur, Secretary, Staff Council, Dyal Singh College (Petitioner No.5 in present Writ Petition No. 2764 of 2011). As on date, the 'additional eligibility criteria' have been received by the University from 48 colleges (of the 65 constituent colleges) and the same are expected to be received from the remaining colleges soon. The Staff Council of Dyal Singh College and the General Body of Teachers of the Department of Political Science are trying to stall the implementation of the semester system in

undergraduate courses in the academic session commencing July 2011.

7. The question is simply, that the policy decision taken by the competent statutory bodies of the University (Academic Council and Executive Council) with overwhelming majority be duly implemented.
  
8. A small but vociferous group of teachers refuses to accept the decisions of the Academic Council and the Executive Council and refuses to discharge their statutory duties by complying with the Resolutions of Academic Council and Executive Council, thereby attempting to render these policy decisions infructuous. With respect to the few remaining syllabi that have not yet been semesterised, the extraordinary contention that Academic Council and Executive Council are powerless unless the committee of courses in a faculty submits the syllabus to the Academic Council for its approval is a submission to be rejected. Neither a Staff Council of a constituent college nor a committee of courses of a University department can override the statutory powers and authority of the Academic Council and the Executive Council. By refusing to perform its statutory obligation to revise a syllabus for approval by the Academic Council, a Committee of Courses cannot derail the conscious policy decision of the Academic Council of 5.6.2009 and Executive Council of 26.6.2009 to introduce the semester system in all undergraduate courses in the academic year 2010-11.
  
9. The question as to whether or not Semester System is for the good of the student and the faculty is not a contention which is

**SAY NO TO NO SAY**  
*Nandini Dutta & Others*

permissible to be stated in a Writ Petition. This is a matter of policy. Even otherwise on merits, the contention is stated to be rejected as the shift to the Semester system requires greater responsibility and accountability of teaching staff, greater care and benefits to the student and regularity of examination so that the student body is not subjected to an intense and excessive course load and one solitary examination period. Having examination spread over two Semesters is a more scientific and better way for grading a student and of ensuring commitment and educational inputs by the staff.

10. By all these reasons, it is submitted that this Hon'ble Court may please direct all the concerned parties (all departments and all colleges) to cooperate in all respects for effective implementation of all the Resolutions passed by the Academic Council and Executive Council, including the resolutions of 25.4.2011, for implementation of semester system in all undergraduate courses in the academic session commencing in July 2011.
  
11. Needless to say that all will abide, whatever will be the final decision of this Hon'ble Court in this matter.

Rns  
UNIVERSITY OF DELHI  
(THROUGH ITS REGISTRAR)

कुलसचिव  
Registrar  
दिल्ली विश्वविद्यालय  
University of Delhi  
दिल्ली-110007/Delhi-110007

FILED ON: 13.5.2011

PLACE: NEW DELHI

**SAY NO TO NO SAY**  
Nandini Dutta & Others