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IN THE HIGH COURT OF DELHI AT NEW DELHI  
EXTRAORDINARY CIVIL ORIGINAL JURISDICTION  
WRIT PETITION [CIVIL] NO. 2764 OF 2011

In the matter of:

Nandini Dutta & Ors.

.. Petitioners

v/s

University of Delhi & Ors.

... Respondents

SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT No. 4

The respondent above named most respectfully SHOWETH:

I, R.D. Sahay, S/o Late Shri Rudra Deva Sahay, aged about 58 years, the deponent herein presently residing at A-249, Pandara Road, New Delhi-110003, do hereby solemnly affirm and state as under :-

1. That I am authorized to swear the instant Affidavit as Director (Central Universities) in the Ministry of Human Resources Development, Government of India. That I have been duly authorized and empowered by the Ministry of Human Resources Development, Government of India.
2. That I am fully conversant with the facts of the case based on the records maintained in the office by the answering respondent, hence I am competent to place on record the relevant and germane facts and circumstances pertaining to the instant Writ Petition.
3. At the outset it is submitted all the allegations, averments, contentions and submissions made in the present writ petition are denied in their entirety and the same may be deemed to be specifically denied except those which are specifically admitted herein.

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

(रत्न देव साहय/R. D. SAHAY  
निदेशक/Director  
श्री. म. वि. सं. संस्था/Min. of H.R.D.  
नया दिल्ली/NEW DELHI  
2011-11-11)

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4. It is respectfully submitted that the National Knowledge Commission, in its Report for the year 2006-09, has observed that the nature of annual examinations at Universities in India often stifles the teaching-learning process because they reward selective and uncritical learning and therefore, emphasized on acute need to reform this examination system so that it tests understanding rather than memory. The Report of the Commission recommended for continuous internal assessment which empowers teachers and students alike and fosters the analytical and creative abilities of students which are often a casualty in university-administered annual examinations. The Report has clearly counted demerits in the annual mode of examination and therefore, recommended for semester-based system to introduce greater diversity and more flexibility in course structures. The University Grants Commission (UGC) had also set up a Committee of experts under the Chairmanship of Prof. A. Gnanam for academic and administrative reforms in the field of higher education. The UGC, based on the recommendations of the Committee, has drawn an Action Plan which, apart from other reforms, also suggests the institution of higher learning to adopt semester system and choice based credit system. Therefore, the submission of the petitioners that the semester system be replaced by the annual mode of examination again does not find favour from the Report of the National Knowledge Commission. Moreover, at present, the semester system is in place in all 16 newly established central universities apart from being implemented in all the older universities, in a phased manner.

5 That in regard to Para 56 of the Writ Petition, it is humbly submitted that Statute 7 (1) of the Statutes of the University of Delhi lays down composition of the Academic Council which, apart from other members, also includes five students of the University of whom one shall be a Research student, two post graduate and two undergraduate students. The business performed by Academic Council even in case of a vacancy or vacancies therein cannot be held invalid if there is quorum to hold the meetings of the Academic Council. It is also in consonance with the provisions contained in Section 44 of the Delhi University Act, 1922 which stipulates that no act or proceedings of any authority or other body of the University

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

(रत्न देव सहाय/R. D. SAHAY)  
निदेशक/In-charge  
का.रा. वि. प्र.सं. दिल्ली

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shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members. Therefore, the submission of the petitioner in this para that the composition of the Academic Council was not complete, has no bearing on the legality of the decision taken by the University authority.

6. It is respectfully submitted that Ministry supports administrative and academic reforms, including the semester system. Both the University Grants Commission and Ministry of HRD have been supportive of the introduction of the semester system in the institutions of higher learning in the country. The submission of the petitioner that the implementation of semester system will lead to privatization and commercialization of higher education is ill-conceived and based on wrong premises and, therefore, does not merit any consideration.
7. In the light of above submission, it is submitted that the petitioners have not made out any case for intervention by this Hon'ble Court and the writ petition be dismissed and it is accordingly prayed.

**DEPONENT**  
(रत्न देव सहाय/R. D. SAHA)  
निदेशक/Director  
भा.श. वि. संचालन/Secy of H.R.D.  
जनकपुर स्थित विभाग  
Deptt. of Higher Education  
नई दिल्ली/New Delhi

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

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VERIFICATION

I, the abovenamed deponent, do hereby verify that the contents of the foregoing short affidavit insofar as the factual averments are concerned are stated to be true and correct based on the records of the case, and the legal submissions made therein are believed to be true and correct on the basis of legal advice received.

Verified at New Delhi on this the 10 day of May 2011.

DEPONENT

(रत्न देव साहय/R. D. SAHAY  
निदेशक/Director  
पा.स. वि. मन्त्रालय/Min. of P.S.  
State Invt. Corpn  
Deptt. of Investment & Public  
Affairs, New Delhi

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