

# Triloki Nath Garg vs The University Of Allahabad on 5 December, 1952

**Equivalent citations: AIR1953ALL244, AIR 1953 ALLAHABAD 244**

## JUDGMENT

Sapru, J.

1. This application has been presented to this Court under Article 226 of the Constitution by Sri Triloki Nath Garg, an ex-student of the B. Sc. Class of the University of Allahabad. For the B. Sc. degree examination, candidates are expected to offer three subjects. The subjects offered by the applicant were zoology, botany and military science. At the 1951 examination for the B. Sc. degree, the applicant was able to obtain the minimum pass marks in two of the subjects offered by him, viz., botany and zoology. He was, however, unable to get the minimum pass marks both in the theory paper on military science and the practical test for military science. As it is incumbent, in order to be declared successful, on candidates to obtain minimum pass marks in all the subjects offered, the applicant was declared unsuccessful. He was, however, allowed to appear as a private candidate the following year by a special resolution of the executive council passed on the 10th of November 1951.

2. The applicant attributes his weakness in military science--both theoretical and practical--to the fact that the University had not allowed him an opportunity to acquire practical training in military science by permitting him to attend the course of study provided for it. As the University is not before us, we cannot say what measure of truth there is in this statement. We are, however, surprised at the statement, for, the Allahabad University is a teaching and unitary University and it is obligatory on it to provide instruction in the subjects it permits candidates to sit for its various degree examinations. Failure to provide such instruction, for whatever reason, places pupils who study at the University at a disadvantage in their examinations. A teaching University cannot fulfil its purpose without ensuring that there is correspondence between the teaching offered by it and its examination standards. Obviously, a student who finds that he cannot get any instruction in subject which he has been permitted to take up for study is at a very serious handicap so far as success in the examination for which he is studying is concerned.

3. Our attention has been invited to the fact that, according to the rules of the University, it will not be open to the applicant to appear in the forthcoming examination for the B. Sc. degree without the permission of the executive council. It has been further urged that, even if he is permitted to do so, he will be faced with the position that the University will not provide him any instruction in practical military science. On these grounds, we have been pressed to issue notice to show cause why an order should not issue directing the University to provide practical training for the applicant. We, however, think it undesirable to issue notice in this case as Courts are rightly reluctant to interfere

with the internal autonomy of academic bodies. At the same time, on the material before us, we cannot help feeling that it is essential for us to invite the attention of the University authorities to the grievance of the applicant that, while he had been permitted to offer military science, teaching in the practical part of military science was denied to him. We have advised the applicant to make proper representations to the University authorities. If he does so, the University should take a reasonable view of any representations made by the applicant to it for-

(a) permission to appear at the 1953 examination for the B. Sc. degree and

(b) facility for acquiring, between the period now and the examination, some practical training in military science.

4. Mr. Khare has emphasised that the theory part of military science is inseparable from the practical part of it, that students who do not get an opportunity to acquire a practical knowledge of military science cannot properly pursue their theoretical study of it. There is force in this argument. We are dismissing this application as it is not in the interest of the applicant himself that there should be a delay of months in disposing of the application. We think that the purpose he has in view can be achieved more expeditiously by a proper representation to the University authorities who, we have no doubt, will consider the new representation in the light of the observations made by us. We wish to make it clear that, in our opinion, it is not right and proper for the University to allow a candidate to appear in a subject in which it is not prepared to offer facilities for instruction. It is, therefore, from every point of view obligatory on the University to take steps to see that any representations made by the applicant are considered in a reasonable and sympathetic spirit. With these observations, the application is dismissed.

5. A copy of this order shall be given to learned counsel on payment of the usual charges.