

29-32

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

Decided on: 31.03.2009

+ W.P. (C) 8911/2008, 146/2009, 152/2009 & 793/2009

W.P. (C) 8911/2008

RAHUL PARIHAR

W.P. (C) 146/2009

SANDEEP KUMAR

W.P. (C) 152/2009

RICHA VERMA

W.P. (C) 793/2009

BAWA SINGH

...Petitioners

Through: Mr. Deepak Kumar, Advocate.
Mr. R.S. Sahani with Mr. N.K. Verma,
Advocate in WP (C) 793/2009.

versus

GURUNANAK DEV UNIVERSITY & ANR.

..... Respondents

Through: Mr. Akshat Goel, Advocate for Resp-1.
Mr. H.L. Tiku, Sr. Advocate with
Ms. Yashmeet Kaur, Advocate for Resp-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

S.RAVINDRA BHAT, J.

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Issue Rule.

2. Mr. Akshat Goel, Advocate for Respondent No.1 and Mr. H.L. Tiku, Sr. Advocate with Mr. Yashmeet Kaur, Advocate for Respondent No.2 waive notice of Rule. With consent of counsel, the writ petitions were heard finally, for disposal.

3. The petitioners seek direction to the respondents to declare the results of their BBA Part-I examination held in April, 2008 and a consequent direction to allow them to fill requisite form to appear in the BBA Part-II examination.

4. In view of the order proposed and having regard to the statements made on behalf of the respondent No.1 – University, the detailed facts are not noticed by the Court. It would be sufficient to note that the petitioners were selected for the BBA course for the academic session 2007-2010 in the second respondent Institute, which is affiliated to the first respondent – University. The petitioners contend that despite their regular admission, the respondents created trouble and that with great difficulty, they took the BBA Part-I examination.

5. The respondents have filed counter affidavit; the respondent No.2 – Institution adverts to the fact that the University (first respondent) had taken a considerable period of time in verification of the students' documents; eventually on 5.3.2008 it (i.e. the Institute) received the intimation stating

that the documents were verified and that the necessary details had been sent for confirmation of the petitioners' provisional admission. Apparently, the registration numbers were also disclosed to the Institute; the latter relies upon the letter dated 10.4.2008 written to the University for this purpose requesting that admit cards be issued. In spite of this request, the University, according to the Institute, did not respond.

6. The petitioners were permitted to take the examination but the result declared by the University showed the result "cancelled" as against their names. In these circumstances, the Institute claims to have written a number of letters to the University and ultimately received intimation that the petitioners' admissions were cancelled, on 31.10.2008. The Institute also adverts to a letter dated 26.11.2008 – by the University stating that documents of the students of the Institute had to be verified again by their Registration Branch before commencement of the examination.

7. The University blames the college for the delay. It contends that the documents had not been verified by it to enable confirmation of the provisional registration and issuance of the admit cards. The University relies upon its letter dated 29.3.2008 stating inter alia that four roll numbers pertaining to the petitioners could be collected by hand after verification of documents. It also refers to an internal note dated 17.10.2008 proposing that the petitioners should be allowed to continue in the course subject to payment of penal fee of Rs.5,000/- each, which was rejected by the Vice-Chancellor on 24.10.2008. It is submitted that consequently the admissions

were cancelled and that the relief claimed cannot be granted.

8. Learned counsel for the University, during the hearing, submitted that one of the five students whose admissions were cancelled had approached the Punjab & Haryana High Court by filing Writ Petition bearing CWP No. 1155 of 2009. It was submitted that by virtue of the order of the High Court, the petitioner was permitted to appear in the Part-II examination scheduled to be held in April, 2009. The Court in that proceedings recorded as follows:

“Learned counsel for the University states that indeed the petitioner/student is not at fault. The petitioner/student sought admission with respondent No.3. It was for respondent No.3 to pass on the documents to the University i.e. respondent Nos.1&2 for their registration to enable the University to process the case of the petitioner to enable him to take examination. Respondent No.3, however, did not do the needful.”

9. The Court has considered the submissions. The letter dated 5.3.2008 of the University amply clarifies that the petitioners' admissions were indeed deemed regular; they were sent for confirmation to another Branch of the University. However, the College appears to have written a number of times to the University before the commencement of the examination as well as thereafter, even after June, 2008 (when the results were declared) stating that the students were not at fault and requesting that the results be declared in view of the circumstances. Ultimately, the University appears to have communicated its position to the Institute only on 31.10.2008.

10. The above events depict sorry state of affairs; neither the University nor the College seems to be sensible to the plight of the students. The letter

of the University dated 5.3.2008 itself was issued about 7 or 8 months after the admission process had been completed, virtually at the edge of the examination period. The University did not indicate that the candidature of these petitioners stood cancelled or was inadequate. The subsequent letter which it chooses to place reliance on now, dated 29.3.2008, is to the following effect: -

*"From:
Controller of Examinations
Guru Nanak Dev University
Amritsar*

*To
The Principal
APJ Institute of Management &
Information Technology, New Delhi.*

No.302-10/Exams.I

Date: 29.03.2008

Dear Sir/Madam,

Enclosed please find Roll Nos. of the following students of your college, who have to appear as per the attached Data-Sheet in the building center mentioned therein. Name of the Examination Centre is also mentioned below. Please issue the Roll Nos. in the concerned students as per the instructions given overleaf.

<i>Roll No.</i>	<i>Total</i>	<i>Centre</i>
<i>37301-415</i>	<i>115</i>	<i>Delhi-2</i>

The following Roll Nos. may be collected by hand after verification of documents.

37326, 37348, 37365, 37393, 37415

Note: - All the Roll Nos. of your College are sent provisionally since the eligibility and fees are to be checked.

Yours faithfully

Sd/-

*Office Supdt. (Exams.)
for Controller of Exams.*

Encls. As above"

11. The above events reveal clear that the University found that the petitioners' candidature were perfectly in order and asked the College to collect the roll numbers by hand. The fate of this letter or communication is unknown; it has come to light only in these proceedings. That the Institute was unaware of such communication or its purport appears to be the position from its letter dated 10.4.2008 where it mentions about the registration numbers of the petitioners and seeks the issuance of admit cards. The said letter has been filed along with the Writ Petition and has not been denied by the respondent – University. In these circumstances, and having regard to the direction issued by the Punjab & Haryana High Court upon the statement of the University, this Court is of the opinion that the petitioners are to be afforded similarly treatment. Accordingly, respondent – University is hereby directed as follows: -

- (1) to forthwith declare the results of the petitioners for the BBA Part-I examination within a week from today;
- (2) Subject to the results so declared, the petitioners shall be permitted to appear in the forthcoming BBA Part-II examination or in case any of them have to appear in any compartment examination, they shall be permitted to do so.

(3) All consequential actions such as processing of the application and issuance of roll numbers shall be done within two weeks from today.

The writ petitions are allowed in the above terms.

Order dasti under the signatures of Court Master.

MARCH 31, 2009
/vd/

S. RAVINDRA BHAT, J