

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

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Date of Decision: 05.07.2013

+ W.P.(C) 4196/2013

MANAV RAJ SINGH GILL

..... Petitioner

Through: Mr N.P. Gaur, Adv along with petitioner in person.

versus

ARMY COLLEGE OF MEDICAL SCIENCES & ANR

..... Respondent

Through: Mr Ajay Digpaul and Ms Arti Bansal, Avs for respondent No. 2

CORAM:

HON'BLE MR. JUSTICE V.K.JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

The grievance of the petitioner is that he has been declared failed in Medicine Practical test by giving 43% marks to him though he has been performing consistently well and he got 60% marks in Surgery Practical, 60% in Pediatrics Practical and 68.3% in Obstetrician/Gynae Practical. The allegation of the petitioner is that he has been granted lesser marks in Medicine Practical at the instance of respondent No. 3 Dr. Chitrlekha Khatti, Associate Professor in the Department of Medicine.

2. During the course of arguments, I asked the learned counsel for the petitioner as to who had taken the Medicine Practical test of the petitioner and when the said test was taken. He informs that the test was taken in February, 2013

by four persons, out of which two were outsiders though all the four were from the Army. One of those four persons was respondent No. 3 Dr. Chitralekha Khatti.

3. There is absolutely no material on record to show that the petitioner had made any complaint or grievance against respondent No. 3 at any time before his result for Medicine Practical test was declared. Had the respondent No. 3 been inimically disposed towards the petitioner, he would certainly have made some complaint against her and would also have requested the college not to include her in the panel of teachers who took his Medicine Practical test in February, 2013. That having not been done, the bald averments made by the petitioner in this regard, without any material in support, cannot be accepted. In any case, respondent No.3 being only one of the four teachers, who took the said Practical test, it cannot be accepted that she was in a position to influence the decision of the remaining examiners.

4. The next grievance of the petitioner is that he has been evicted from the room which he was occupying in the college hostel though according to his counsel, there are other students who have failed in the examination but continue to occupy the hostel. The letter dated 09.05.2013, written by the Registrar, to the extent it is relevant reads as under:

“3. Since there were no University rules/ regulations regarding how the fees was to be charged to the students who fail in 3rd Professional Part-II exam and also there was no mandate about attendance of classes by these students, it was decided that no tuition fee be charged, students do not attend classes, vacate hostel and appear in exam, as & when notified by GOSIPU after paying the exam fee through the College. However, if a student was desirous of attending classes the student is charged 50% fee (as applicable to IXth term), stays under own arrangements and attends classes.

4. The same was approved by AWES vide letter B/45815/A&R/AWES dated 18 Apr 2013. The matter was also discussed during Institute Managing Committee (IMC) meeting and the same has been approved by IMC.

5. As regards vacating hostel, your father was categorically informed by Dean to vacate the same in light of above orders when he met the Dean. Since you failed to comply with the instructions the College was forced to order a board of officers vide convening order No.2022/Est/BOO/ACMS dated 17.4.2013 to get your personal belonging packed and kept in storage and make list of damages to the room occupied by you.

6. You are also reminded that you have been defaulting in making payments of hotel charges on numerous occasions in the past.”

It would thus be seen that the students who fail in the examination are required to vacate the hostel and this decision was approved by the Institute Managing Committee. In any case, it can hardly be disputed that the rooms in a college hostel are meant for the regular students of the college and not for the ex-student.

The petitioner having failed in the last examination in the college, he was not entitled to continue to occupy the hostel which was allotted to him in his capacity as a regular student of the college. The petitioner having already been evicted from the hostel, there is no ground made out for directing the college to allot a room to him in the hostel.

I find no merit in the writ petition and the same is hereby dismissed.

V.K. JAIN, J

JULY 05, 2013/BG