

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

% **Judgment reserved on 12th July, 2013**
Judgment pronounced on 16th July, 2013

+ **W.P.(C) 6500/2012 & CM APPL. 17231/2012**

MS. NEERU Petitioner
Through: Mr.A.P.Mohanty, Advocate

versus

UNIVERSITY OF DELHI AND ANR Respondent
Through: Mr.M.J.S. Rupal and Ms.Priti Dhiwan,
Advocate for respondents no.1 and 2
Mr.Vivek Bhardwaj, Adv. for R=3

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J.

1. The petitioner is a student of B.A. (Hons.) in Social Work course in Bhim Rao Ambedkar College, University of Delhi (hereinafter referred to as 'the said course'). The petitioner was admitted in the said course in year 2010. The course is of three years duration.
2. The petitioner is aggrieved by the action of the respondents in declaring her as failed in the paper / subject "Concurrent field work" and consequently declared her unsuccessful (failed) in the second year of B.A. (Honrs.) Programme Social Work, despite the petitioner successfully completing the 60 days mandatory field work at Swami Dayanand Hospital, Delhi. Petitioner claims that she submitted regular reports and log-sheets every week for evaluation of the field work done by her, to her supervisors as per the programme schedule, but the same were not considered by the respondents.
3. The necessary facts to be noticed for disposal of the writ petition and as

set out in the writ petition are that the respondent no.2, i.e. the College is a constituent college of the University of Delhi (respondent no.1). The petitioner successfully completed her first year in the said course and was given admission to the second year. According to the petitioner, she regularly attended the classes during the second year. As per the Scheme of the Course, the petitioner completed her field work under her supervisor, Ms.Tushti Bhardwaj. It is contended that the concurrent field work is required to continue along with class room teaching from the commencement of the semesters. The purpose of concurrent field work is to develop social consciousness, sensitivities to human needs and sufferings, and to undertake social work intervention by integrating theory with practice. The field work is regularly supervised through Individual Conferences supplemented by sharing of field experiences in Group Conferences. It is further submitted that the subject 'field work' is a compulsory subject and of great importance and it has to be cleared for promotion. As per the syllabus a student has to complete 60 days of practical field work at an organization where he / she is deputed.

4. According to the petitioner, she started her field work assignment on 3.8.2011 at Swami Dayanand Hospital, Delhi (hereinafter referred to as 'the hospital') and the days allotted to her were Wednesday to Friday from 9:00 a.m. to 4:00 p.m. and the remaining three days of the week were earmarked for college studies. It strongly urged before this court that the petitioner diligently attended the hospital during the allotted days for field work w.e.f. 3.8.2011 except for the duration of her exams in November, 2011, and winter vacations in December, 2011.
5. The course scheme consists of Individual Conference ("IC") wherein weekly reports were to be submitted by the students to their supervisors and Group Conference ("GC"). On the evaluation day the supervisor was

to evaluate the field work submitted by the students, who are under his / her supervision. According to the petitioner she regularly submitted weekly field work reports with log-sheets to her supervisors and the documents submitted by her i.e. reports, log-sheets, hospital profile, work experience profile and evaluation form, were kept by the supervisor in her individual file in the name of the petitioner. Strong reliance is placed by the petitioner on the field work certificates issued to her [certificate dated 25.8.2012 issued by Dr.Surinder Singh Bisht, (ii) undated certificate issued by Dr.Kalpana Kumar, (iii) undated certificate issued by Dr.Anand Aggarwal, (iv) certificate dated 30.8.2012 issued by Mr.Bansal (Medical Superintendent of Swami Dayanand Hospital)] to show that the petitioner underwent training at Swami Dayanand Hospital, during the period 3.8.2011 to 18.4.2012.

6. Counsel for the petitioner submits that during the period of the course the petitioner was consistently harassed by her supervisor, who raised undue demands, forced the petitioner to do petty jobs for her and threatened the petitioner that in case she did not comply with her directions, she would not be able to pass her second year. Although the petitioners silently obeyed her supervisor under the threat of being failed, but due to the mental torture, the petitioner came under heavy depression and had to take treatment from IHBAS.
7. It has also been alleged in the petition that prior to the final exams, the supervisor demanded Rs.18,000/- from the petitioner. Shocked at the behaviour of the supervisor and the demand made, the petitioner approached the Principal along with a written application which was submitted with the P.A. of the Principal, as she was not allowed to meet the Principal, but no action was taken on her application. However, the supervisor came to know of the complaint and further threatened the

petitioner. The Supervisor again called upon the petitioner to pay Rs.18,000/- to get passing marks and on her refusing to do so, the supervisor failed her in the practical subject i.e. the field work.

8. It is contended that during the entire year the supervisor did not issue any memo to the petitioner with respect to the field work that was undertaken by the petitioner under her supervision and guidance and no complaint was made, nor proper guidance was provided by the supervisor and since the petitioner did not fulfil the illegal demands of the supervisor she destroyed pages from the petitioner's file and alleged that the reports were not submitted by the petitioner.
9. It is also submitted that the subject 'field work' consists of 200 marks (150 marks for internal assessment based on the practical field work carried out by the student for the entire year and 50 marks are for viva to be taken by an external examiner). The petitioner has secured 22 marks out of 50 marks in the viva and 30 marks out of 150 in the practical field work. Thus she has secured only 52 out of 200 marks, which is below the pass marks. It has also been pointed out that even in the first year the petitioner was having trouble due to harassment meted out by the supervisor and on her complaint her supervisor was changed, however, subsequently in the second year she was given the same supervisor, but she did not complaint against the supervisor, as she did not face any problem initially. Petitioner has also made a complaint to the Vice-Chancellor, requesting him to look into the matter, however, no action was taken by the Vice-Chancellor. By the present petition, the petitioner has made the following prayers:

- (i) To hold the action of respondent in declaring the petitioner as failed in the subject "Concurrent Field Work" and consequently as failed in IInd year of B.A. (Hons.)-Social

Work, as arbitrary, discriminatory, improper, unjustified and hence illegal.

- (ii) To direct the respondent to look into the matter and give the petitioner appropriate marks in the subject 'field work' in the IInd year, as per the regular field work done by her and declare her to have passed in the said subject and consequently in the IInd year of the course.
- (iii) Direct the respondent college / University of Delhi to give admission to the petitioners in the IIIrd year of B.A. (Hons.) Social Work, for the session 2012-13 as per her entitlement."

10. Since the allegations made against the Supervisor were serious in nature, Ms.Tushti Bhardwaj, the supervisor was also impleaded as a party to the writ petition. A joint counter affidavit has been filed by the respondent no.1, University and the respondent no.2, college. It is the stand of the respondents that the petitioner has not approached this court with clean hands and she has suppressed and concealed important, material and true facts. It is also contended that the petitioner has relied upon false and fabricated facts and documents.
11. Mr.Rupal, counsel for the respondent nos.1 & 2 submits that since the petitioner did not fulfil the basic mandatory requirements of the subject, 'field work' and did not attend the field work allotted to her, she could not clear the examination. It is also stated that petitioner did not visit the field work agency between 10.9.2011 to 28.3.2012 as during this period she was on medical leave. Petitioner produced her medical and fitness certificate for the said period, which fact has not been disclosed by the petitioner in the writ petition with *mala fide* intention and with a view to mislead and misguide the court.
12. It is further submitted that the petitioner has committed a fraud upon the

respondents and upon the court by submitting a few reports during the period 10.9.2011 to 28.3.2012, when she was on medical leave, the petitioner has also submitted a report dated 28.3.2012 and 30.3.2012 in her name, but the said reports were not prepared by the petitioner and the same were prepared by someone else in his/ her handwriting for some other university for the year 2010 and the petitioner has submitted the same after overwriting identifying content by using white fluid / whitener / correction pen. The petitioner had also attempted to replace the said forged reports from the file on the day of her evaluation i.e. 21.4.2012 with another duplicate report, but she was caught red-handed by the supervisor and she was given a warning without taking any strict action in the interest of her future.

13. It is contended that the two reports by itself would show the unethical behaviour of the petitioner and the present writ petition is only a counter blast as the petitioner was unsuccessful in the examination.
14. Mr.Rupal and Mr.Bhardwaj also contend that on the ground of concealment, disclosing false facts and the conduct of the petitioner the writ petition is liable to be dismissed. Counsel further submit that the field work file of the petitioner itself would show that there is no infirmity in the result which has been declared by the University.
15. Counsel next submit that the petitioner is attempting to tarnish the prestigious reputation of the institution and the members of the faculty, whereas she herself is responsible for the acts which are unethical and illegal in nature. It is further submitted that the reports and log-sheets submitted by the petitioner are untrue and unreliable.
16. Mr.Rupal further submits that petitioner has also committed forgery by not disclosing that she was doing another course (D.Pharma) from Maharishi Dayanand University, Rohtak, Haryana, which is not legally

permissible, along with the regular professional course, such as B.A. (Hons.)-Social Work from University of Delhi.

17. Counsel further submits that the present writ petition in any case has become infructuous, as the petitioner has already sought re-admission in the second year and another supervisor has been allotted to her. Counsel submits that it is denied and disputed that the petitioner successfully completed 60 days of mandatory field work at Swami Dayanand Hospital, Delhi. It is submitted that she did not complete 60 days field work, nor submitted her regular reports and log-sheets which were to be submitted on weekly basis for evaluation. Counsel also submits that as per the status report bearing No.SDNH/2012/9659 dated 10.4.2012 sent by her immediate supervisor Ms.Nidhi, the petitioner was present only 30 days out of 60 days, during field work training. Previous supervisor of the petitioner Mr.Sanjay Singh, Medical Social Worker and PRO, SDN Hospital, Delhi had also sent an intimation dated 18.11.2011 regarding irregular attendance during her training period.
18. Counsel for the respondents no.1 and 2 also submits that as per the field work evaluation form dated 20.4.2012 duly filled up and signed by the petitioner and submitted by her to the supervisor on 21st April, 2012 also reveals that under point 2(d) the petitioner has herself stated that she had attended only 38 days field work and also submitted a medical certificate dated 10.9.2011 and a fitness certificate dated 28.3.2012 in respect of her absence from the field work.
19. Mr.Rupal has also stated that the petitioner has submitted only 15 weekly reports to the supervisor on time. Petitioner had herself disclosed in her field work evaluation form under point 3(b) and (c) that she had submitted only 15 weekly reports on time and 23 weekly reports were submitted late, which fact by itself belies the stand taken by the petitioner in the writ

petition. Counsel submits that the petitioner herself claims that she was on leave on medical grounds for almost six and a half months and the petitioner had submitted a medical certificate and a fitness certificate to her college supervisor for a period starting from 10.9.2011 to 28.3.2012. It is thus submitted that the claim of the petitioner that she regularly attended the classes during the second year is not reliable in view of the medical certificate.

20. Counsel further submits that when the respondents received a complaint from the Supervisor an explanation was sought from the petitioner and the petitioner informed the respondents of her being unwell and later submitted her medical certificate, which would belie the stand of the petitioner that she attended the hospital w.e.f. 3.8.2011.
21. It is disputed by the respondents that the petitioner submitted weekly field report with log-sheets to her college supervisor. It is stated that the petitioner submitted some false and fake reports. Petitioner has never attended any scheduled Group Conference, as there is no attendance of the petitioner on the attendance sheet maintained for the Group conference. Moreover, the petitioner has herself not filled up any detail of the group conference in any of the log-sheets submitted by her, although she had mentioned the same in her field work evaluation form under point 2(p) and (q) that she had attended six group conferences. The form contains overwriting, however, factually the petitioner had never appeared in any of the Group Conferences and she also does not fulfil the essential requirements of presenting a paper, recording the minutes and chairing the session.
22. Mr.Rupal and Mr.Bhardwaj submit that petitioner had herself mentioned in her evaluation form at point No.7 that she attended only few Group Conferences and could not present her paper because of her physical

unfitness. It is submitted that the petitioner did not submit reports log-sheets, hospital profile, work experience profile and evaluation profile on time, however, the same were submitted only on the day of evaluation.

23. It is submitted that the certificates sought to be relied upon by the petitioner were obtained by the petitioner after the declaration of her second year result and on the basis of legal advice and the veracity, validity and reliability of these certificates are doubtful, as the same were procured by her for the purposes of filing the present writ petition and the certificates were signed innocently by the concerned persons at the request of the petitioner, unaware of the background and on the pretext that the petitioner required the same for the purposes of future reference. The certificates were also issued by persons, who were not directly or indirectly supervising the work of the petitioner and had no personal knowledge as to the dates and time when she attended the field work. Counsel further contend that the certificates were issued in a routine manner and the language, type font and formation are identical to the certificates issued by Dr.Kalpna Kumar and Dr.Anand Aggarwal, who are doctors working in two different departments.
24. It is submitted that the respondent no.2 addressed letters to the concerned doctors for verification of the certificates and Dr.Kalpna Kumar, Senior Specialist, Obst. & Gynae., SDN Hospital, Delhi has informed the respondent no.2 that she had given the said certificate to the petitioner on the basis of her interview for breast feeding counselling without knowing the duration of her training period and attendance, as the student had asked for the same without going through proper channel. Dr.Kalpna Kumar further confirmed that she had not seen the petitioner personally in her PNC ward / Antenatal OPD for counselling of breast feeding to the expectant and mothers, who had delivered. Similarly Dr.Anand Kumar,

HOD, Paediatric, SDN hospital has also sent his reply to the above mentioned letter dated 28.11.2012 and clarified that he had issued the certificate at the request of the petitioner for helping her to secure a job without confirming about the details of her training period as on the date of issuance of the certificate her agency supervisor Mr.Sanjay had left the job and her subsequent supervisor, Ms.Nidhi was on maternity leave. Similar explanation has been rendered by Dr.Surender Singh Bisht, Specialist Paediatrics, SDN Hospital, who stated that he had issued certificate at the request of the petitioner to assist her to apply for a job.

25. It is also pointed out by Mr.Rupal, that the written complaint made by the petitioner to the Vice-Chancellor was after the declaration of the result, and the allegations made therein are baseless and unfounded. It is further pointed out that the allegations of the petitioner that on account of constant harassment and undue demands made by the supervisor, she started suffering from depression and had to take treatment from IHBAS is also not reliable as she had approached IHBAS for treatment only on 30.8.2012 after completion of the academic session which came to an end on April, 2012 and after the declaration of the result in the month of July, 2012.
26. It is submitted that the written complaint was also made on the basis of the legal advice received and is a part of a well planned strategy of the petitioner, after obtaining the field work experience. It is further submitted that the OPD card of IHBAS which had been filed has also been tampered with as an endorsement has been made “she is suffering from depression from last one year because of her college teacher” has been added below the signatures of the treating doctor, which is not the general practice of a medical practitioner.
27. Counsel also submits that since the OPD card itself seems to be doubtful,

the respondent no.2 had requested the concerned hospital IHBAS for verification of the result mentioned on the OPD card and in response to the same a reply was received that the petitioner was registered on 30.8.2012 and thereafter she did not turn up for further follow up and it was also confirmed that the writing on the OPD card does not match with the hand writing of the doctor concerned.

28. Counsel for respondents have vehemently denied that the supervisor made any demand from the petitioner or that any written application was made by the petitioner to the Principal or handed over to the PA of the Principal. It is also denied that the petitioner ever made any complaint written or verbal to the Principal towards the behaviour and unlawful demand of her college supervisor, as alleged. It is submitted that the complaint made to the Vice-Chancellor states that she had made a complaint against the college supervisor in front of the Principal but the Principal did not take any action nor did he listen to the problem, whereas in the writ petition it is stated that the petitioner did not meet the Principal. It is submitted that since the petitioner did not fulfil the essential requirements of the practical subject field work including 80% mandatory attendance in field work, timely submission of weekly reports, log-sheets, attending weekly ICs with the college professor, attending GCs and making proper presentation, recording minutes and chairing the session; and the petitioner could not secure the minimum required marks to pass the field work subject, hence, she was declared failed. Mr.Rupal and Mr.Bhardwaj further submit that the reports were submitted by the petitioner late and in bulk. Counsel for the respondent no.3 has also endorsed the arguments of counsel for respondent nos.1 and 2 and specifically denied all the allegations made against her.

29. I have heard counsel for the parties and given my thoughtful consideration

to the matter.

30. Counter affidavit has been filed by respondent no.1 and 2 jointly and a separate counter affidavit has been filed by respondent no.3, wherein almost identical stand has been taken by respondent no.3. The respondent no.3 has highlighted the fact that the documents filed by the petitioner itself show that she could not attend to the field work during the period 10.9.2011 to 28.3.2012 as during this period she was on medical leave and she herself had produced the medical certificate and fitness certificate, which has not been disclosed by the petitioner in the writ petition. It is submitted that the petitioner had submitted reports on 28.3.2012 and 30.3.2012 in her name. The said reports were not prepared by the petitioner and were prepared by someone else of some other university.
31. A rejoinder and additional affidavit has also been filed by the petitioner, wherein it has been reiterated that the complaint was sent to the Vice-Chancellor and to the Principal as well, which have been duly received by them. The petitioner has denied filing of medical certificate with the respondents from Dr.V.P. Khurana. It has also been denied that the signatures on the medical certificate are that of the petitioner and it is alleged that these certificates were procured by the respondents. It has further been stated that the respondent no.3 is a very influential person and she has influenced the doctors, who had initially given the experience certificate to change their stand. Petitioner has also denied submitting any report which was prepared by someone else and for some other university; or that she was caught red-handed while changing the report. She has denied that she was ever on medical leave.
32. In this case the petitioner was not promoted from the second year to the third year by the respondents on account of the fact that she could not clear the compulsory paper i.e. field work. The petitioner secured 22

marks out of 50 marks in the viva and 30 marks out of 150 in the practical field work. Thus she has secured only 52 out of 200 marks, which is below the pass marks.

33. It is the case of the petitioner that she attended her field work which was allotted to her and she regularly attended 60 days of mandatory field work at Swami Dayanand Hospital, Delhi. Petitioner submitted regular reports and log-sheets every week for evaluation and participated in Individual Conferences and Group Conferences. It is also the case of the petitioner that she has been declared failed in the field work examination, as she did not meet the illegal demands of the supervisor, respondent no.3, which included payment of Rs.18,000/- in cash, petitioner was constantly harassed, she was forced to do petty jobs, which she silently obeyed. Ever since the petitioner did not pay Rs.18,000/- she was not declared passed in the field work paper. On account of mental torture petitioner came under heavy depression and had to take treatment from IHBAS; her complaints were not looked into either by the Principal or the Vice-Chancellor; the petitioner had not procured any medical certificate from Dr.Khurana and the same were procured by the respondents, as part of their illegal design to declare her unsuccessful.
34. It is also the case of the petitioner that she did not submit any forged and fabricated document or the report of some other university and all of which have been carried out at the instance of respondent no.3.
35. It is further the case of the petitioner that not one but four certificates were issued by eminent doctors of Swami Dayanand Hospital, Delhi clearly stating that she had carried out training of 60 days, which by itself is conclusive proof of the petitioner completing her field work. No other ground has been urged. The college, University and the supervisor have taken up a stand that petitioner was irregular in attending the field works

and she did not submit her weekly reports. The petitioner herself had admitted that she attended 38 days of field work on the basis of a form submitted by her in her own hand writing. The certificates were procured by misleading the doctors and without informing them that the same were to be used in a court case. The doctors had issued the certificate in a casual manner and only to help the petitioner for securing job in future. All the certificates were procured after declaration of the result. The medical certificate has been issued and filed at the instance of the petitioner and is evident from the stand taken by the petitioner.

36. The respondents have also produced in court the attendance record of the petitioner of the first term of the second year (year 2011), in support of their argument that the petitioner was never regular in attending her classes.
37. I have examined the original record. The original record shows that for paper no.4 of first term out of total number of 36 lectures delivered, the petitioner had attended 16 lectures in the month of September, 2011; in paper no.5 she attended 3 out of 22 lectures in the month of September, 2011; in paper no.6 petitioner attended 4 out of 31 lectures in the month of December, 2011; in paper no.7 she attended 2 out of 28 lectures in the month of September, 2011; in English paper in the first term, petitioner attended zero out of 17 lectures; she attended 5 out of 8 lectures in psychology in October, 2011; she attended 2 out of 22 lectures in November, 2011 in paper 4; she attended none out of 15 lectures in paper no.5 in the second term; she attended 2 out of 14 lectures in the second term in paper No.6 in the month of December, 2011; she attended 3 out of 25 lectures in the second term in paper no.7 in November, 2011 etc.
38. The original record of the attendance-sheet gives a general idea with regard to the poor attendance of the petitioner.

39. Having regard to the fact that an extreme stand was taken by the parties and since the allegations made by the petitioner are very serious, this court deemed appropriate to direct the doctors of Swami Dayanand Hospital who had issued the certificates in favour of the petitioner to remain present in court. It was also deemed appropriate to request the doctor, who had issued medical certificate to the petitioner and the agency supervisor Mr.Sanjay, who had left the job, to remain present in court. The doctors who had issued the certificates to the petitioner, made the following statements in this court on 12.4.2013:

“Statement of Dr.Kalpna Kumar.

I have issued the certificate placed at page 43 of the paper book at the instance of Ms.Neeru. Ms.Neeru provided me the language of the certificate. I cannot say precisely for how many days and time Ms.Neeru had worked in the ward, but I have seen her in the ward. Communication dated 21.11.2012 was also issued by me. A letter was also received by me from Dr.Tushti Bhardwaj, which was forwarded by the college. Ms.Tushti Bhardwaj also met me personally in connection with this matter.

Statement of Mr.Sanjay Singh.

I was working at the hospital as a Medical Social Worker (PRO). Ms.Neeru was working under me. I resigned on 9.1.2012. Ms.Neeru joined the internship from 3.8.2011 and as far as I can recollect, she attended once a week, whereas she was supposed to attend twice a week. During her period of internship I had maintained her attendance record, which would be available with the college. After I resigned I handed over the attendance register to Ms.Nidhi, who was also working with me. The communication at page 94 of the paper book was written at the instance of Dr.Tushti Bhardwaj, but it is correct that Ms.Neeru was irregular that is why I addressed the communication. Ms.Neeru used to attend, but she was

irregular and sometimes she would make an excuse for coming late, as she used to come from Bahadurgarh.

Statement of Dr.Anand Agarwal.

Certificate placed at page 44 of the paper book was issued by me at the request of Ms.Neeru. It is correct that I have seen Ms.Neeru in the ward. I recognize her by face and by name. I cannot say for how many days and for what time Ms.Neeru has worked, but certainly I have seen her in the hospital. I have seen her in the hospital, which resulted in my issuing a certificate. The communication dated 28.11.2012 at page 104 of the paper book was issued in response to the letter received by me. Dr.Tushti Bhardwaj also visited the hospital and met me personally with regard to my issuing the earlier certificate. The certificate at page 44 was issued at the request of Ms.Neeru on the ground that it would help her in securing a job.

Statement of Dr.Surender Singh Bisht.

Certificate placed at page 42 of the paper book has been issued by me at the request of the student. I issued this certificate as I had seen Ms.Neeru in the hospital often, but cannot say the exact number of days. I have interacted with her as well at least 4 – 5 times. I have also given her counselling tips. Based on a written request received from Dr.Tushti Bhardwaj, which was forwarded by the Principal of the college, I issued the communication dated 26.11.2012. Dr.Tushti Bhardwaj also met me personally with regard to my issuing the earlier certificate. The certificate is in my language, as I did not deem it appropriate to use the language, as suggested by the student.

Statement of Dr.R.N. Bansal.

I am the Medical Superintendent of Swami Dayanand Hospital. I have identified my signatures on the certificate issued by me on 30.8.2012. I issued the certificate based on the request of the student and on the basis of three certificates, which were issued by Dr.Surinder Singh Bisht, Dr.Kalpana Kumar and Dr.Anand Agarwal. Being the

Medical Superintendent, I issued the certificate of 30.8.2012, but I cannot say from my person knowledge as to whether Ms.Neeru completed her training between 30.8.2011 to 28.4.2012, as I was not posted at the Hospital at that point of time. I have also handed over in court today a note in the form of my statement.

40. A perusal of the certificates issued would show that the certificates were issued after the academic session had come to an end. The language of the certificates issued by Dr.Kalpana Kumar and Dr.Anand Aggarwal are identical and as per the language provided by the petitioner. The Medical Superintendent, who had appeared in this court and had also handed over a note duly signed by him clarifying that the circumstances under which he issued the certificate. Dr.Bansal has clarified that in fact during the period when petitioner had completed her training, he was not even posted at the hospital. Having regard to the explanation rendered by Dr.Kalpana Kumar, Mr.Sanjay Singh, Dr.Anand Agarwal, Dr.Surender Singh Bisht and Dr.R.N.Bansal, I am of the view that the certificates were issued by the doctors only at the request of the petitioner, with a view to help the petitioner in future and unaware that the petitioner had failed in her second year and unknowingly that the same were being collected by her to be used in a court case. It is also clear that no record was made available to the doctors to verify the facts, more particularly the days the petitioner attended the hospital. Thus the four certificates sought to be relied upon by the petitioner are of no help to the petitioner.
41. The original reports dated 28.3.2012 and 30.3.2012 of the petitioner, which have been produced in the court admittedly show over-writing and use of whitener on the paper.
42. A copy of the field work evaluation form which has been duly filled up in the hand writing of the petitioner has also been placed on record; with

respect to the attendance recorded, in response to 2(d) reads as under:

“ in the column ‘*Number of fieldwork Days attended*’ the petitioner has filled up as 38 days .

in the column ‘*Reasons for putting in additional time*’ the petitioner has written The worker was medically unfit. She was suffering from conical pain and paralysis problem suffering from brain diseases like tumour blister in brain.

43. Copies of the medical certificates submitted by the petitioner have also been placed on record, which bear the signature of the doctor, who was also called upon to appear in court. In the statement made by the Doctor in court, he has identified his signatures on both the certificates and also stated that the same were issued at the request of the petitioner who had visited him 4 to 5 times for treatment. As per the medical certificate the petitioner was suffering from arthritis and Abd pain; and it was also certified that her absence from 10.9.2011 to 28.3.2012 is absolutely necessary for her treatment/ rest of his/ her health. A medical fitness certificate was also issued by him stating that the petitioner is fit to resume her duty on 29.3.2012 onwards.
44. The stand of the petitioner that the certificates were procured by the respondents is unacceptable on account of the statement made by the doctor himself in court. The doctor is carrying on his work at Bahadurgarh and the petitioner is also a resident of Bahadurgarh.
45. The statement made by the doctor in court reads as under:

“Statement of Dr.V.P. Khurana.

I have seen the certificate dated 10.9.2011 filed at page 100 of the paper book and the certificate dated 28.3.2012 filed at page 101 of the paper book. Both these certificates bear my signatures. I have issued both the certificates at the request of Ms.Neeru.

Ms.Neeru had visited me 4 to 5 times for treatment. I have no document in my possession with regard to the treatment prescribed to the petitioner, as I do not keep nor I maintain any record of any patient. I recognize the petitioner, Ms.Neeru, who is present in Court today.

46. Reading of the statement made by Dr.Khurana, clearly shows that he identified his signatures on the certificate and he has also confirmed that the same were issued by him at the instance of the petitioner, as she had approached him for treatment. The clear stand taken by the doctor read with the endorsement made by the petitioner in the form submitted makes it clear that she had approached Dr.Khurana for treatment and obtained two certificates from him. It may be noticed that the factum of these certificates were not disclosed by the petitioner and in fact petitioner denied that she has filed these certificates or had ever approached Dr.Khurana.
47. *Prima facie* the stand taken by the petitioner is completely dishonest, as the Doctor had identified her in court and the doctor has also identified his signatures on the medical certificates issued.
48. I find that the petitioner has approached this court with unclean hands. The petitioner has suppressed material documents i.e. the medical certificates submitted by her to the college. She has relied on a prescription from IHBAS wherein additions have been made. She has made extremely wild allegations against respondent no.3 to the extent that a medical certificate from Dr.Khurna has been engineered, whereas the field work evaluation form duly filled were in the hand writing of the petitioner, which shows that she attended field work only for 38 days and in the column "reasons for putting in additional time", the petitioner has written that she was medically unfit and was suffering from conical pain and paralysis problem suffering from brain diseases like tumour blister in

brain. Photocopy of the field work evaluation form has been filed by the petitioner. The petitioner has procured four field work certificates [(i) certificate dated 25.8.2012 from Dr. Surinder Singh Bisht, (ii) undated certificate from Dr. Kalpana Kumar, (iii) undated certificate from Dr. Anand Aggarwal, and (iv) certificate dated 30.8.2012 from Mr. Bansal (Medical Superintendent of Swami Dayanand Hospital)] only with a view to create false evidence and fortify her false stand in Court.

49. There is also no force in the submission of the counsel for the petitioner that in the past no complaint was made against the petitioner on account of her not attending the field work regularly. It would be useful to reproduce the status report submitted by supervisor, Nidhi and Mr. Sanjay Singh, Medical Social Worker & PRO of Swami Dayanand Hospital dated 10.4.2012 and 18.11.2011 respectively:

“MUNICIPAL CORPORATION OF DELHI
SWAMI DAYANAND HOSPITAL
SHAHDARA DELHI-110 095

No.SDNH/2012/9659

Dated: 10.4.12

Sub:- Status Report of Miss Neeru during field work.

Respected Madam,

It is to bring to your kind notice that Miss Neeru (Social Work Trainee) was present only 30 days out of 60 days during field work training. But she is coming regularly from March, 2012. This is only for your information.

Thanking you.

Social Work Department

Ms. Tushti Bhardwaj

Bhim Rao Ambedkar College,
Delhi”

“MUNICIPAL CORPORATION OF DELHI
SWAMI DAYANAND HOSPITAL
SHAHDARA DELHI-110 095

To,

Ms.Tushti Bhardwaj
Field Work Supervisor
Bhim Rao Ambedkar College,
Main Wazirabad Road, Yamuna Vihar,
Delhi - 110094

Sub:- Regarding Irregular Attendance of Social Worker
Trainee.

Madam,

It is bring to your kind notice that Ms.Neeru posted in this hospital to completed her field work of B.S.W. IInd year is very much irregular in attendance so that it would be very difficult to issue an experience certificate for the said needful.

You are, there requested to advise her to be very punctual in attendance so that her field could be completed in time.

I shall be highly obliged to you.

Thanks and Regards.

Yours faithfully,

Mr.Sanjay Singh
Medical Social Worker &

50. Reading of both the above reports also clearly point out that the petitioner was not punctual in attending her field work and she was irregular. The explanations rendered by four doctors who had issued the experience certificate to the petitioner have also been carefully examined by this court. One of the reasons for requesting the four doctors to remain present was the insistence of learned counsel for the petitioner that the respondent no.3 is a very influential person and the persons who have issued the medical certificates have now retracted on account of pressure of respondent no.3. Dr.Kalpna Kumar and Dr.Anand Aggarwal both have deposed before this court that the certificates were issued at the instance of the petitioner. As per Dr.Kalpna Kumar she was unable to say precisely how many days and time on which the petitioner worked in the ward. The same explanation was rendered by Dr.Anand Aggarwal and Dr.Surinder Singh Bisht. Dr.Surinder Singh Bisht has also clarified that he did not deem it appropriate to use the language suggested by the student in the certificate and thus she used his own language.
51. I find that the petitioner cannot derive any benefit of the four certificates issued by the doctors in support of her plea that she attended the field work regularly for the reason (i) that all the certificates were obtained between 25th August 2012 to 30th August 2012 i.e. after the session was over; and (ii) the doctors who had issued the certificates were not directly related with the field work of the petitioner and thus they were in no position to issue the certificates or confirm nor they had any basis to confirm as to how many days she attended the field work and only the agency supervisor would have been competent to issue such certificates and in fact the certificates are contrary to the letters written by the

supervisors which have been extracted above. The certificates which have been issued have wrongly mentioned that the petitioner is a student of Department of Social Welfare whereas the petitioner is in fact not a student of Department of Social Work which would show that the certificates were prepared in advance by the petitioner which fact is also evident from the language of certificates of Dr.Kalpana Kumar and Dr.Anand Aggarwal which are identical. The certificate issued by Dr.R.N.Bansal also shows that the petitioner performed field work from 30th August 2011 to 28th April 2012 instead of 3rd August 2011 to 18th April 2012 and moreover, admittedly, Dr.R.N.Bansal was not posted to the said hospital at the relevant time. Upon reading of the certificates and the explanation rendered by the doctors it is clear that the certificates were issued in good faith at the request of the petitioner on the ground that they would help her in securing a job and not that they are authenticated documents for the purposes of attendance. Having regard to the statements made by the doctor Khurana, prima facie, it would show that the medical certificates were procured by the petitioner and submitted to the college. There is no reason why doctors would make false statements in Court. The doctor has also identified the petitioner. There is no cogent reason as to why the college or the university would be vindictive against the petitioner to such an extent that medical certificates would be obtained from a doctor from Bahadurgarh. The prescription of IHBAS read along with explanation rendered by IHBAS would show that prima facie the petitioner has fabricated the document by adding few lines on the prescription to support her case. The original documents which were produced in Court showed overwriting and use of whitener on the same, all of which would falsify the stand of the petitioner. The present petition is a gross abuse of the process of the law.

52. The conduct of the petitioner is such that the present writ petition should be dismissed with exemplary costs. The conduct of the petitioner is unbecoming of a student, who has levelled wild and false allegations against the College, University as well as her Professor. A person, who approaches the court with unclean hands disentitles himself/herself to any equitable relief, more particularly in a writ petition instituted under the extraordinary jurisdiction of this court under Article 226 of the Constitution of India. But having regard to the fact that the petitioner had initially sought legal aid and ultimately her parents would have to pay the costs imposed, this Court refrains from imposing exemplary costs on the petitioner. However, the petitioner shall pay costs of Rs.10,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee within two weeks from today.
53. Writ petition and all the pending applications are dismissed.

(G.S.SISTANI)
JUDGE

JULY 16th 2013
ssn//dk