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

+ **W.P.(C) 1804/2016**

SANDEEP

..... Petitioner

Through: Mr. Arun Khatri with
Mr. Anshul Sharma, Advs.

versus

STAFF SELECTION COMMISSION & ORS Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Santosh Kumar Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **04.03.2016**

CM No.7763/2016(exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

WP(C) No.1804/2016 & CM No.7764/2016

We are not inclined to interfere with the impugned order passed by the Tribunal which records as under:-

“5. Admittedly the applicant had submitted copy of marksheets bearing dates after the cut-off date, at the time of verification of documents (para 4(g) of rejoinder) and has contended that the respondents have denied the validity of the marksheets just by seeing its date of issue and not the session to which pertained to. The respondents also and did not take into account the certificate issued by the EIELM University, Sikkim. The aforementioned certificate issued on 15.06.2013 certifies that the applicant “was (sic) last appeared in JULY 10- JUNE 11 Session YEAR – III,

*BACHELOR OF ARTS (GENERAL) examination of the University held in August 2011 and has been declared pass.” The applicant through MA no.1212/2015 filed on 25.03.2015 has placed on record a copy of the degree issued by the said University confirming that he was awarded Degree of Bachelor of Arts on the basis of examination held in June 2011. The Degree is, however issued on (date illegible) August 2012. A careful perusal of the marksheets placed on record by the applicant raise some intriguing questions. There is a marksheet issued by Maharishi Dayanand University, Rohtakon 12.07.2011 in respect of BA Part-I Exam April 2011 in which the applicant scored 150 out of 400 marks with subjects **English, Hindi, Public Administration, Geography, Environment Studies (QUAL.)**. There is another marksheet issued by EIILM University, Sikkim showing that the applicant appeared in BA Part-II examination for the session July 2009-June 2010 and scored 329 out of 500 marks. This marksheet was issued on 25.06.2012. The subjects opted by the applicant were **General English** Language to Literature, **Hindi** – (Hindi Gadyay/Bangla Paper 2, **Political Science** – Modern Indian Political Thought, **History** - Indian History from 16th – Mid 18th Century and **Economics** - Macro Economics. For the Part-III examination which the applicant is stated to have taken during the session July 2010 – June 2011, the marksheet was issued on 24.08.2012 and the applicant cleared the examination scoring 850 out of 1400 marks opting subjects **English** – English for practical Purpose, **Hindi** – Hindi Sahitya Ka Itihas Avm Sahitya Parechey/Bangla Paper 3, **Political Science** – International Relations, **History** – Imperialism, Colonialism and Nationalism, **Economics** – Money, Banking & Public Finance. This marksheet also has an endorsement that “Credit Transfer on the basis of I year from Maharishi Dayanand University”. Putting these facts together it can be seen that the applicant passed BA Part-I examination from Maharishi Dayanand University, Rohtak in July 2011 but his credit was transferred to EIILM University, Sikkim*

during the session July 2009 – June 2010 for Part-II examination and July 2010-June 2011 for Part-III examination. Further EIILM University, Sikkim issued the marksheets for both the years only in August 2010. It can also be seen that the subjects opted by the applicant in Part-I examination are different from those in Part-II and Part-III examinations. These factors raise a serious doubt about the genuineness of the degree itself leaving aside the question of the actual date of possession of degree by the applicant. Considering the seriousness of the matter and its implications if indeed the concerned institution was involved in facilitating awarding of a fake degree, the respondents are directed to take up this matter with the UGC and crime investigation agencies to examine/investigate as to how it is possible for a candidate who has taken Part-I examination in the year 2011 from Rohtak, to secure a degree of 3 years course by migrating to another University in the same year, i.e., 2011.”

It is also noticeable that as per the advertisement, the cut off date of possessing the essential qualification was 1.8.2012. Admittedly, the mark sheet relied upon, which has been doubted by the Tribunal, for the third year is dated 24th August, 2012. This is the date when the results were declared. It is apparent that the petitioner did not possess the essential qualification on the cut off date, even if we assume that the degree was a genuine degree.

Writ petition is dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MARCH 04, 2016/ak