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

+ W.P.(C) 4210/2016

RAGHAV ARORA Petitioner
Through: Mr. Rajiv Kumar Jha, Advocate.

versus

UNIVERSITY OF DELHI AND ORS Respondents
Through: Mr. Mohinder J.S. Rupal, Advocate for
respondents No.1 and 2.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **10.05.2016**

Matter has been listed after lunch upon an urgent mentioning being allowed by the Division Bench.

CM Appl. 17798/2016 (exemption) in W.P.(C) 4210/2016

Allowed, subject to just exceptions.

W.P.(C) 4210/2016 & CM Appl. 17797/2016

Present writ petition has been filed seeking a direction to respondents to issue Admission Ticket for Semester-II, Part-I Examination of B.A. (Programme) and further allow the petitioner to appear in the examination on 09th May, 2016, even though, he is short of attendance.

Learned counsel for petitioner states that other colleges of respondent No. 1-University have granted admission tickets to various other candidates even when they were similarly short of attendance. He also states that petitioner could not attend all the classes in the second semester due to health problems.

As the examinations have already commenced, this Court is of the view that there is no time to ask the respondents to file a counter affidavit after verifying the

documents.

Moreover, the Supreme Court in *Union of India & Ors. vs. M.K. Sarkar, (2010) 2 SCC 59* has held as under:-

“25. There is another angle to the issue. If someone has been wrongly extended a benefit, that cannot be cited as a precedent for claiming similar benefit by others. This Court in a series of decisions has held that guarantee of equality before law under Article 14 is a positive concept and cannot be enforced in a negative manner; and that if any illegality or irregularity is committed in favour of any individual or group of individuals, others cannot invoke the jurisdiction of courts for perpetuating the same irregularity or illegality in their favour also on the reasoning that they have been denied the benefits which have been illegally extended to others. (See Chandigarh Admn. v. Jagjit Singh, Gursharan Singh v. NDMC, Faridabad CT Scan Centre v. D.G. Health Services, State of Haryana v. Ram Kumar Mann, State of Bihar v. Kameshwar Prasad Singh and Union of India v. International Trading Co.)”

Consequently, Article 14 is a positive concept and cannot be enforced in negative manner. Further, if any illegality or irregularity is committed in favour of any individual or group of individuals, others cannot invoke the jurisdiction of Courts for perpetuating the same irregularity or illegality.

Accordingly, present writ petition and application, being devoid of merit, are dismissed.

MANMOHAN, J

MAY 10, 2016

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