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

+ I.P.A. 37/2015

MOHAMMAD USMAN

..... Petitioner

Through: Petitioner in person.

versus

VICE CHANCELLOR OF

JAMIA MILLIA ISLAMIA UNIVERSITY & ORS..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

02.03.2016

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1. The present IPA has been filed by the petitioner to seek damages against the defendant Jamia Millia Islamia as an indigent person. The petitioner has sought damages to the tune of Rs. 35 crores from the defendant.
2. The case of the petitioner is that he was a student of Jamia Millia Islamia. He was admitted to the B.E.Electrical Engineering (Evening) Course. He appeared in the Part I Examination, 2012. The result of the said examination, the petitioner states, was declared sometime in April/May, 2013. He was declared, 'failed' as he failed to secure the minimum marks. The petitioner then applied for revaluation under the relevant rules.
3. The submission of the petitioner is that the result of revaluation was eventually declared sometime in November, 2013. He was again declared

failed. He submits that on account of the said delay in declaration of the result upon revaluation, he had a very little time to prepare for the examination held in January, 2014. Resultantly, he could not pass and he failed again. Since the revaluation result was declared in November, 2013, the petitioner had practically only one month to prepare for re-examination held in January, 2014.

4. The submission of the petitioner is that the defendant delayed the declaration of the result of the revaluation inordinately. Had the same been declared in a reasonable period of revaluation being sought, the petitioner would have been put to adequate notice to prepare for the re-examination for the first year to be held in January, 2014. The petitioner, who appears in person, submits that he continued to remain under the impression that he would clear the first year examination upon revaluation of his papers, and he was attending the second year classes during 2013. He submits that the failure of the defendant to declare the revaluation result in a reasonable time gives cause of action to the petitioner to claim damages from the defendant on account of loss of his valuable years of his life.

5. In my view, the petition does not disclose any cause of action. The petitioner underwent the first year course/classes in the year 2012 and appeared in the annual examination for the first year of B.E. Electrical Engineering (Evening Course) in January, 2013. He was declared 'failed' and the results were declared in April/May, 2013. Thus, the petitioner had the adequate notice with regard to the status of his result. Merely because he applied for revaluation after the said result was declared, did not give the petitioner the right to assume that upon revaluation, he would be declared as 'passed' in the examination wherein he had earlier been declared to have

‘failed’. The petitioner should have acted with reasonable prudence and should have prepared himself to appear in the re-examination for the first year, which was to be held in January, 2014. Merely because the petitioner started attending the second year classes in the year 2013, it does not follow that the defendant university, in any manner, conveyed to him that he has, or he would, clear the first year when the result of the revaluation is declared. He cannot find fault with the defendant university for permitting him, on his own volition, to sit in the second year classes while the revaluation was underway. It is not correct for the petitioner to say that he was given only one month’s time to prepare for the re-examination of the first year which was held in January, 2014. He had all the time in the world since the declaration of the result of the first year in April/May, 2013. If he did not start his preparation for the re-examination, it was his own decision.

6. In these circumstances, in my view, the petitioner has not disclosed any cause of action. Consequently, in my view, no purpose would be served in even examining the issue whether the petitioner is entitled to sue as an indigent person.

7. The petition is, accordingly, dismissed.

VIPIN SANGHI, J

MARCH 02, 2016

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