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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6958/2017**
GAGAN

..... Petitioner

Through Ms.Vibha Mahajan and Ms.Preeti
Rajneet, Advocates.

versus

UNIVERSITY OF DELHI & ANR

..... Respondents

Through Mr. Amit Bansal and Ms. Seema
Dolo, Advs for R-1.
Ms.Beenashaw N.Soni & Mr.Aakash
Yadav, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **16.11.2017**

An affidavit has been filed by the petitioner. His submission is that the answer-sheet submitted by the Department is not his answer-sheet. He relies upon the provisions of Section 73 of the Indian Evidence Act to make a submission that the specimen hand-writing of the petitioner (attached along with his affidavit) and a naked eye comparison with the answer-sheet produced by the Department would show that is not the answer-sheet of the petitioner.

At the outset, this Court has informed to the petitioner that this Court is not an investigating agency and it may not be possible for this Court to delve into this aspect of the matter.

Record shows that the petitioner had applied for a re-evaluation of his paper 'Economics-III Economic Development and Policy-B. Com'. In the revaluated marks, there was no change. In the course of these proceedings, the Court had directed the respondents to produce

the answer-sheet of the petitioner (the aforementioned subject). The same had been produced. It reflected that it was blank answer-sheet; it had not been filled in at all. The petitioner had taken time to take instructions. Pursuant to those instructions, the aforementioned affidavit has been filed wherein the petitioner seeks to inform this Court that this answer-sheet is not the answer-sheet of the petitioner.

This Court notes that no mala-fides has been attributed to the respondents. There was no reason as to why the Department would produce a wrong answer-sheet of the petitioner. This Court is also not in consonance with the submission made by the learned counsel for the petitioner that this Court can investigate the matter and the provisions of Section 73 of the Indian Evidence Act can be invoked by this Court. There is no doubt to the proposition that Section 73 of the Indian Evidence Act can be looked into to consider a finding as to whether a fact is relevant or not; this would be in the entire gamut of evidence which is collected and a naked eye perusal would not by itself be enough for this Court to decide whether this answer-sheet belongs to the petitioner or not. The story would not end here. Even presuming that this Court holds that this answer-sheet is not the answer-sheet of the petitioner, it would not take the case any further as the Department has no answer-sheet available with them which would enable the respondent to grant any relief to the petitioner. The petitioner has been advised that if he so desires, he may take appropriate action under any other forum.

At this stage, learned counsel for the petitioner submits that she seeks permission of the Department to allow the petitioner to appear

in the aforementioned paper for the next year. This has been disputed by the respondent. Learned counsel for the respondent submits that as per the University Guidelines, a candidate can be permitted to appear only for 6 times and which 6 times have already passed and no further opportunity for re-appearance in the aforementioned paper can be granted to the petitioner.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

NOVEMBER 16, 2017

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