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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 74/2018& CM APPL. 7514-7516/2018

RICHA TRIPATHI Appellant
Through Mr. K.M.M. Khan, Adv.

versus

**JIMS ENGINEERING MANAGMENT TECHNICAL CAMPUS
GREATER NOIDA & ANR** Respondents
Through Ms. Ekta Sikri and Mr. Jasbir Bidhuri,
Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **26.02.2018**

The appellant's grievance is that her application requesting for migration to the Maharaja Surajmal Institute of Technology was rejected unjustifiably and the Id. Single Judge erred in dismissing her writ petition.

Ld. counsel for the appellant took the Court through the documents filed along with the writ petition to say that the appellant is suffering from psychosis and is consequently undergoing medical treatment as a consequence of which travelling long distance is to her detriment.

The Single Judge, who dismissed the appellant's writ petition, noticed clause 2.0 (b)(i)(a) of the Migration policy as well as clause 2.0 (b)(ii). The University had contended firstly that in the absence of no objection by both the sending Institution and the receiving college, migration is impermissible and consequently, even in the exception

carved out in Clause 2.0(a),(b) and (ii), genuine circumstances, have to be established objectively.

This Court has considered the material on the record. It thus appears that the appellant is undergoing some form of medical treatment. However, the details and specific ailment or medical condition is not apparent from the documents. Having regard to these facts, the respondent University's order rejecting the request cannot be faulted. At the same time, we are of the opinion that in case the appellant produces more detailed documents with respect to her medical condition, such as the genuineness of the ailment and the line of treatment recommended as well as the doctor/medical experts letter explaining why travelling long distance routinely is not recommended, all such documents should be considered afresh by the respondent University. The appellant is granted fresh opportunity to produce such relevant material to enable the University to apply its mind and pass suitable orders with respect to the request for migration. In the event the applicant produces the relevant material and the documents, the University shall pass the order and communicate it to the appellant within 10 days of receipt of such application with the documents.

The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 26, 2018/rc