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

Date of Decision: 21.05.2018

+ W.P.(C) 2416/2017
PRATICHI MAJUMDAR Petitioner
Through: Mr.Bharat Sangal with
Ms.Anindita Deka &
Ms.Babita Kushwaha, Advs.

versus

THE UNIVERSITY OF DELHI & ORS Respondents
Through: Mr.Mohinder J.S. Rupal with
Mr.Prang Newmai &
Ms.Slomita Rai, Advs.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. Vide the present petition, the Petitioner has sought quashing of the list dated 30.05.2015 issued by Respondent Nos.1 to 7, whereby the Kunda Datar Gold Medal (hereinafter referred to as 'Gold Medal') has been awarded to the Respondent No.8 by ignoring the complete result of the students of MA (Sociology), Delhi School of Economics, Delhi University of the 2012-2014 batch. The Petitioner has also sought a direction to Respondent Nos.1 to 7 to award the Gold Medal in MA (Sociology) to the Petitioner for securing the highest marks in MA (Sociology) in the batch of 2012-2014.

2. At the outset, it may be noted that Respondent No.8 could not be served through ordinary process and was, therefore, served through publication. However, none has appeared on her behalf today.

3. The relevant facts as emerge from the record are that the Petitioner was a student of Delhi School of Economics, Delhi University, who had passed out of the M.A (Sociology) Course from the Department of Sociology in August, 2014.

4. It transpires that the result of the MA (Sociology) Examination, 2014 for the batch of 2012-2014 was initially declared on 02.06.2014, wherein Respondent No.8/Ms.Sophia Zehra Abbas was declared to have secured 977 out of 1600 marks and the results of the Petitioner and many other students were shown as 'Result Later'. Subsequently, on 06.08.2014, another list of students of the same batch was released, wherein the Petitioner was declared to have secured 999 out of 1600 marks. Thus, as per the entire result published on 02.06.2014 and 06.08.2014 respectively, the Petitioner scored more marks than the Respondent No.8, who was the topper as per the partial result declared on 02.06.2014.

5. The Petitioner on 11.08.2014 after completing her MA(Sociology) course, left Delhi University and enrolled in Jawaharlal Nehru University for her M.Phil. studies. Thereafter, when the Petitioner had already left Delhi University, a Provisional Merit List of M.A. (Sociology) for the batch of 2012-14 was circulated on 23.02.2015, to all the departments/institutions, but this list did not include the name of the Petitioner and other similarly situated students, even though the complete result of the MA(Sociology)

Examination of the 2012-2014 batch had already been declared by that time. In these circumstances, when the annual convocation of Delhi University was held on 30.05.2015, the Gold Medal for the year 2014 for MA (Sociology) was awarded to Respondent No.8, who was actually the 4th rank holder as per the complete and final result of MA(Sociology) for the said batch.

6. It is the Petitioner's case that upon learning about the award of the Gold Medal to Respondent No.8, the Petitioner had made various representations not only to the Deputy Controller of Examination, but also to the Vice Chancellor of Delhi University, but to no effect. It is further stated that the Petitioner also sought information under the Right to Information Act, from which she learnt that the Delhi School of Economics had sent various requests to the Deputy Controller of Examination, Delhi University for awarding the Gold Medal to the Petitioner instead of Respondent No.8.

7. It is further averred in the petition that it was only on 09.01.2017, a letter was received by the Petitioner's father from the Dean (Examination), Delhi University informing him that the names of the awardees had been duly published on the official website of the University on 20.05.2015 and, since no objection or representation of any kind had been received from the department or from any other student, the University was fully justified in awarding the Gold Medal to Respondent No.8.

8. Upon notice being issued, the Respondent Nos.1 to 7 had filed their counter affidavit, wherein while not denying that the Petitioner

had obtained 999 out of 1600 marks, the petition was opposed only on the ground of laches.

9. Learned counsel for the Respondents contends that the award of scholarships, medals and prizes is a standardized procedure of the University and the merit list is duly circulated to colleges, institutions and departments to enable them to point out any errors or omissions so as to avoid any discrepancy in the merit list.

10. I have heard learned counsels for the parties and I find that, the Respondents have neither denied that the complete final result of MA(Sociology) for the year 2012-2014 was declared in two parts i.e. on 02.06.2014 and 06.08.2014, nor have they denied the fact that the Petitioner had obtained the highest marks in MA(Sociology). I also find that the Respondents have, while opposing the petition on account of a delay of 8 months on the part of the Petitioner in approaching the Respondents for awarding the Gold Medal to her, have given absolutely no explanation as to why the result of 06.08.2014 was not considered while determining who was to be awarded the Gold Medal. What also emerges from the record is that there is no denial of the fact that the Respondents had, while preparing the list of awardees and awarding the Gold Medal, considered only the result declared on 02.06.2014 and not the second list of successful candidates issued on 06.08.2014. Thus, it is evident that there was a serious lapse on the part of the Respondents in the very preparation of the list of awardees.

11. I have also considered the contention of learned counsel for the Respondents that the Petitioner is not entitled to any relief as she has taken an inordinate time of 8 months in approaching the Respondents

to point out the error committed by them, while awarding the Gold Medal. However, in my considered opinion, the said objection is wholly meritless in view of the facts of the present case, which reveals think that the time of 8 months taken by the Petitioner to approach the Respondents for the necessary correction cannot be treated as laches on her part. Even otherwise, the Respondents, having failed to discharge their duties in the manner expected of them, a meritorious student like the Petitioner cannot be deprived of the Gold Medal which she deserves.

12. For the aforesaid reasons, the writ petition is allowed and Respondent Nos.1 to 7 are directed to immediately award the Kunda Datar Gold Medal to the Petitioner.

(REKHA PALLI)
JUDGE

MAY 21, 2018
gm

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