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

+ LPA 450/2018

NISHU JHA

..... Appellant

Through

Ms. Vijay Lakshmi Jha, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Vikram Jetly, CGSC for R-1/UOI

Ms. Ekta Sikri with Mr. Shaswat
Sharma, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

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30.05.2019

1. The appellant/petitioner is aggrieved by an order dated 11.07.2018 passed by the learned Single judge dismissing her petition for issuing directions to respondent no.2/Guru Gobind Singh Indraprastha University (in short "University") to mention her batch year as 2012 in place of 2011, in all the records including mark-sheets, provisional certificates etc.

2. By the impugned judgment, the learned Single Judge has dismissed the writ petition on the ground that the respondent no.2/GGSIPU cannot be faulted for reflecting the appellant's year of admission as 2011 in the subject course i.e. BDS course for the reason that she had taken admission in this course in 2011 and then discontinued her studies owing to her ill health and then on recuperating, she had represented to the University for permission to continue her studies in the subject course. The respondent no.2/University had granted her re-admission for the academic session 2012-13, in terms of the letter dt. 25.09.2012, that reads as follows:

“To

*The Dean,
ESIC Dental College and Hospital
Sector15, Rohini,
New Delhi-110085.*

Subject: Re-admisison of 2011-12 batch student in BDS programme.

Sir,

This is with reference to your letter No. 115-A-45/20/2/2010 Estt. (DC) 10/2198 dated 06.09.2012 on the subject cited above. Re-admission of the following student of the BDS programme at ESIC Dental College & Hospital, Rohini is hereby approved in First Year of BDS programme in academic session 2012-13.

<i>S.NO.</i>	<i>NAME OF STUDENT</i>	<i>ENROLLMENT NO.</i>
<i>1.</i>	<i>NISHU JHA</i>	<i>0165071159111</i>

Further, above said One (01) student has to complete the BDS programme in the stipulated period as laid down in the University Ordinance/Regulation related to Examinations. Enrolment Number of above said student will remain same and she will have to deposit the requisite fee within one week from date of issue of this letter.

Further, discrepancy if any observed may be communicated to the undersigned within a week of issue of this letter.”

3. The appellant accepted the offer of re-admission made by the respondent no.2/University for the academic year 2012-13 and persued the BDS course as a regular student till she passed out in the year 2018. It is noteworthy that though the captioned letter addressed by the respondent No.2/University to the appellant had clearly stated that in the event of any

discrepancies in the said communication the same may be indicated within a week, the appellant did not raise any objection with the University. Instead she took the re-admission in the academic year 2012-13. After passing out, the appellant approached the Court in the year 2018, by filing W.P.(C) No.7095/2018 on the ground that the act of respondent No.2/University of reflecting her admission as in the year 2011, in all the relevant documents would cause her prejudice and the University be directed to make necessary modifications by reflecting her admission year as 2012.

4. The said petition was opposed by the respondent no.2/University on the ground that although the appellant had been allowed to complete her BDS programme alongwith the batch of students for the year 2012, her enrolment number would have to remain the same as she was initially granted admission in the course in question for the year 2011.

5. Learned Single Judge had also called upon the counsel for the appellant to demonstrate the prejudice that would be caused to her client if the year in which she had obtained admission in the respondent No.2/University was reflected as 2011. But no satisfactory reply came forth. The position remains same even today. We have enquired from learned counsel for the appellant to explain as to what disadvantage would be caused to the appellant if her admission year is reflected in the University records as 2011. Except for stating that the BDS course is a five years course and if the appellant's year of admission is recorded as 2011 and the year of passing out as 2018, it would give an impression that she took seven years to complete the said course. This would hardly be of any consideration when admittedly, the appellant could not complete the course within the

stipulated time period due to her own health reasons.

6. In view of the above position, we see no reason to interfere with the impugned order which is upheld. The appeal is dismissed as being devoid of merits with no orders as to costs.

HIMA KOHLI, J

TALWANT SINGH, J

MAY 30, 2019/*mr*