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

+ **W.P.(C) 12097/2018**

MS. SOMYA GUPTA & ORS. Petitioners

Through Mr Rakesh Munjal, Senior Advocate with
Mr Yashiha Munjal, Mr Raghav Nagar, Mr I.K.
Sudhir, Mr Rakesh Kumar, Advocates.

versus

GURU GOBIND SINGH
INDRAPRASTHA UNIVERSITY Respondent

Through Mr Mukul Talwar, Senior Advocate with
Mr Jasbir Bidhuri, Ms Ritu Pama, Advocates for
R1.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **26.04.2019**

CM APPL. 17881/2019

1. The petitioners have filed the present application, *inter alia*, praying that appropriate directions be issued to the respondents directing them to allot University Roll Number to the applicants and permit them to take the 4th Semester examination of the B.A. LL.B course scheduled to commence from 29.04.2019.

2. The controversy in the present petition was considered and decided by this Court by judgement in *Somya Gupta and Ors. v. Guru Gobind Singh Indraprastha University: W.P. (C) 12097 of 2018 rendered on 07.01.2019*. Paragraphs 55 and 56 are relevant and are set out below:-

“55. Resultantly, the impugned decision, of the GGSIPU,

not to recommend the petitioners, in all these writ petitions, for migration, to the colleges in which they have attended the third semester classes, is quashed and set aside. The applications for migration, submitted by the petitioners pursuant to the Notice dated 9th August, 2018, shall accordingly stand allowed. The petitioners, who were permitted to undertake the third semester examinations, by interim orders passed by this Court in these proceedings, shall be treated as having regularly appeared in the said examinations, and their future advancement shall abide by their performance therein seen in the light of the applicable rules and guidelines in that regard.

56. These directions shall also cover the petitioners, if any, in respect of whom verification, of the documents submitted by them, is still under process. If, however, on such verification, the petitioners are found ineligible for migration, or any lack of bona fides is found, in the application of any of the petitioners, this judgment shall not preclude the GGSIPU from cancelling/withdrawing the permission for migration, granted by this judgement. Needless to say, in any such eventuality, the rights of any student/students, which may be prejudicially affected, to challenge the decision, would remain saved.”

3. Admittedly, the petitioners/applicants are covered by the directions issued by this Court in the said decision. However, it appears that respondent did not comply with the said order and it had filed an appeal before the Division Bench of this Court (bearing LPA No. 260/2019). The said appeal is pending, however, the Division Bench had made it clear that rights and benefits granted to them by virtue of the impugned judgment dated 07.01.2018 passed in WP (C) 12097/2018 stands confirmed and the University shall implement it only with regard to the eight students who

approached the writ court and in whose favour the writ petition has been decided. The relevant extract of the said order is set out below:-

“Issue notice to the institute – respondent No.9 to the limited extent of considering the legal issues involved in this appeal so that in future such situations do not arise. Mr. Annirudh Sharma, learned counsel appearing for respondent No.9 accepts notice. We make it clear that the students i.e. respondents No.1 to 8 are not being noticed in this appeal. Rights and benefits granted to them by virtue of the impugned judgment dated 07.01.2019 passed in WP(C) 12097/2018 stands confirmed and the university shall implement it only with regard to the eight students who approached the writ court and in whose favour the writ petition has been decided. The migration granted to the students and their admissions stand regularised and they would be entitled to pursue their respective course as regular students with proper migration available to them. We are constrained to proceed as indicated hereinabove considering the fact that the career of the students and the admission granted to them should not be adversely affected due to legal issues and problems that may arise between the institute and the university.

List on 11.07.2019 for hearing.”

4. In view of the above, there can be no ambiguity that the petitioners are entitled to appear for the examination in question.
5. Mr Talwar, learned counsel appearing for the University, submitted that the directions issued by this Court on 07.01.2019 were conditional and the University is entitled to verify the documents submitted by the petitioners and, if on such verification it is found that the applicants are ineligible for migration or there is any lack of *bona fides*, the University is not precluded from cancelling or withdrawing the permission from

migration granted to the petitioners.

6. The aforesaid contention that the directions issued by this court were conditional, is unmerited. Although there is no dispute that the University is well within its right to verify the documents submitted by the petitioners and if it is found that there is any discrepancy or any lacuna, the University is not precluded to take action in accordance with law. However, no such action has been taken.

7. The University is bound to comply with the orders passed by this Court and issue admit cards to the petitioners/applicants. In the event it is found that any of the documents submitted by the petitioners were ineligible or lacks *bona fides*, the university would take steps in accordance with law. In such cases, the University would issue show cause notices and pending this exercise, it is not open for the University to withhold the admit card, as it has done. The contention that since the University had filed an appeal it would absolve of the university to comply with the order of this Court is also erroneous.

8. In view of the above, the application is allowed. The respondent University is directed to forthwith issue the admit card to the petitioners/applicants. This Court is also of the view that the conduct of the University warrants the imposition of costs. Accordingly, the university is directed to pay cost of ₹2500/- to each of the petitioners, within a period of one week from today.

VIBHU BAKHRU, J

APRIL 26, 2019

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