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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 11098/2019 & CM APPL. 45695/2019  
ALOK KUMAR ..... Petitioner

Through Mr. Shashwat Parihar, Adv.

versus

JAWAHARLAL NEHRU UNIVERSITY & ANR..... Respondents

Through Ms. Anushka Ashok, Adv. for R-1/JNU.

Mr. Apoorv Kurup, Ms. Nidhi Mittal  
and Mr. Siddharth Nigotia, Adv. for R-2

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **11.02.2020**

1. At the outset, learned counsel for the petitioner says that he does not press the relief sought in prayer clause (2).

1.1 In other words, the prayer made for quashing the circular amending the resolution dated 14.7.2018 is not pressed.

2. Thus, the only relief that the petitioner claims concerns the notice/communication dated 17.4.2018.

3. Via this letter, the following has been communicated to the petitioner:

*“The FGPA (both in courses-work and dissertation) obtained by the following M.Phil. Student is shown below:*

| <i>Name of the Student(s)</i> | <i>Centre</i> | <i>Enrolment No.</i> | <i>FGPA</i> |
|-------------------------------|---------------|----------------------|-------------|
| <i>1. Mr. Alok Kumar</i>      | <i>CP-SSS</i> | <i>15/69/MS/014</i>  | <i>5.66</i> |

*Since the above mentioned student failed to obtain the minimum prescribed FGPA of 6.00 (5.50 for SC/ST/OBC/PWD Non Creamy Layer) in his/her M.Phil programme (both in course work and dissertation) as stipulated in the Ordinance, to continue in the Ph.D.*

*programme, he/she should not be allowed further registration.  
The student may also be intimated of the position accordingly.”*

4. Learned counsel for the petitioner says that the petitioner is a candidate who falls in the Other Backward Classes, Non-Creamy Layer (in short “OBC – NCL”) category.
5. According to the counsel for the petitioner, since his FGPA is 5.66, the respondent university could not have discontinued his registration from the PHD programme.
6. A perusal of the impugned communication (i.e. letter dated 17.4.2018) would show that it is unclear as to whether or not, according to the respondent university, the petitioner is a candidate who falls in the OBC – NCL category.
7. Learned counsel for the petitioner has placed before me the admission form and also a document which, purportedly, is a certificate suggestive of the fact that the petitioner falls in the OBC category.
8. It is not clear as to whether the petitioner falls in OBC – NCL category.
9. Learned counsel for the petitioner says that the petitioner has in his possession not only the originals of the documents referred in para 7 above but also other documents which would establish that he falls in the OBC-NCL category. Learned counsel for the petitioner seeks an opportunity to appear before the concerned official of respondent

university to establish this aspect.

10. In view of the fact that the respondent university has not filed a counter-affidavit, there is no clarity in the matter.

11. Ms. Anushka Ashok, on being queried, says that she had sought clarification *qua* this aspect of the matter from the concerned officer of the respondent university. Ms. Ashok says that she has not been able to obtain the necessary clarification and, hence, was not able to file a counter-affidavit in the matter.

12. Given the aforesaid circumstances, the writ petition is disposed of with a direction to the respondent university to treat the writ petition as a representation and deal with the grievance articulated before me by the petitioner.

13. The respondent university will give due opportunity to the petitioner to place all documents on record to establish his claim that he falls in the OBC – NCL category.

14. This exercise will be completed by the respondent university within two (2) weeks of receipt of a copy of the order.

15. Besides this aspect of the matter, the other aspects which have been raised by the petitioner in the writ petition will also be considered by the respondent university.

16. The concerned official of the respondent university will pass a speaking order; a copy of which, will be served on the petitioner.

17. For the purposes of good order and record, the Registry will scan and upload the copies of documents handed over to me in court today by the counsel for the petitioner.

**RAJIV SHAKDHER, J**

**FEBRUARY 11, 2020**

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*W.P.(C) 11098/2019*

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