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

Date of Decision: 20th October, 2020

+ LPA 202/2020

NISHANT KHATRI Appellant

Through: Appellant in person.

versus

JAWAHARLAL NEHRU UNIVERSITY & ORS Respondents

Through: Ms. Monika Arora, Advocate for
JNU.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

D.N. PATEL, Chief Justice (*Oral*)

The proceedings in the matter have been conducted through video conferencing.

1. This appeal has been preferred by the original petitioner in W.P.(C) 3334/2018 against the judgment and order dated 13.02.2020.
2. The appellant was a candidate for admission to Jawaharlal Nehru University ("the University") (respondent no. 1 herein) in the integrated M.Sc./Ph.D. course in Computational and Integrative Sciences for the academic year 2016-17. He was aggrieved by the University's denial of admission to him, and filed the writ petition alleging various irregularities in the admissions process. The prayers in the writ petition were the following:-

"1-To cancel the admission process and order the respondent no 1&2 to re-conduct the counseling/interview in a lawful

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manner.

2- To grant the monetary compensation of INR 1 Crore to offset the loss caused to petitioner.

3-To suspend or terminate the services of all the employees and officers involved in this illegal admission process.

4- To put a permanent injunction on the wasting of seats every year by not conducting proper counselling and admission procedure.

5- To pass such other orders and further orders as may be deemed necessary on the fact and in the circumstances of the case.”

3. By the impugned judgment and order dated 13.02.2020, the learned Single Judge found that the response of the University to various grievances raised by the appellant (original petitioner) were unsatisfactory. However, upon an analysis of the reliefs sought in the writ petition, the learned Single Judge found that the same could not be granted, and the writ petition was therefore closed. The appellant was however awarded costs, assessed at Rs. 75,000.

4. With regard to the claim of the appellant for compensation in the sum of Rs. 1 crore, the learned Single Judge held that this claim could not be granted in writ proceedings, and would have to be established by the appellant in appropriate proceedings.

5. We have heard the appellant (original petitioner) in person in this appeal. It is submitted at length by the party in person that he could not get admission in Jawaharlal Nehru University, as stated in this Letters Patent Appeal and as stated in the writ petition for which Rs.75,000/- has been awarded by the order of the learned Single Judge which may be increased as no admission was given to this appellant (original petitioner). To establish his claim for compensation for the sufferings at the hands of Jawaharlal

Nehru University, this appellant (original petitioner) has relied upon a decision dated 02.09.2014 rendered by Hon'ble the Supreme Court in SLP(C) 31900/2013 (*Krina Ajay Shah & Ors. Vs. Secretary, Association of Management of Unaided Private Medical and Dental Colleges, Maharashtra & Ors.*).

6. Having heard appellant in person as well as learned counsel for the respondent, it appears that the admission as sought for by this appellant cannot be granted looking to the fact that the admission in the year 2016-17 was denied and long time has elapsed thereafter. The writ petition being W.P.(C) 3334/2018 was preferred by this appellant [original petitioner] in which the learned Single Judge has awarded Rs.75,000/- to be paid to this appellant (original petitioner) by Jawaharlal Nehru University.

7. We are of the view that, in the facts and circumstances of this case, the learned Single Judge has committed no error in relegating the appellant to his civil remedies if he seeks further compensation from the University. The decision of Hon'ble the Supreme Court relied upon by the appellant was rendered in the context of admission to private unaided medical and dental colleges, in respect of which the procedure to be adopted had already been laid down in earlier decisions of the Hon'ble Supreme Court. The committee appointed pursuant to the decisions of the Hon'ble Supreme Court had also found the admissions procedure adopted by the respondent colleges irregular, leading to the admission of less meritorious candidates. It is in these circumstances that the Hon'ble Supreme Court awarded public law damages in favour of the petitioners therein. The said judgment does not lay down that, in every case where wrongful denial of admission is alleged, the court is bound to grant damages in writ proceedings.

8. We are therefore of the view that, if this appellant wants more compensation, the damages can be proved in the Trial Court by laying down cogent and convincing evidences before the learned Trial Court. As and when the suit for damages for compensation shall be preferred by this appellant, Rs.75,000/- will be treated as a part payment and the same can be set off against the final liability, if any, of the respondents. As and when such suit for damages/compensation is filed by this appellant (original petitioner), the same will be decided in accordance with law, and on the basis of the evidences on record. The observations made in the order of the learned Single Judge in W.P.(C) 3334/2020 especially in judgment dated 13.02.2020 will neither come in the way of this appellant nor it will come in the way of respondents and, the amount of Rs.75,000/- can be treated as part payment and adjusted towards the final liability, if any, of the respondents.

9. With these observations, this LPA is disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

OCTOBER 20, 2020
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