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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 20th July, 2022

+ W.P.(C) 4932/2021 & CM APPL. 15148/2021 (for stay)

ANU SINGH

..... Petitioner

Through: Mr. Preetam Singh, Advocate.

versus

GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY & ORS.

..... Respondents

Through: Mr. Sachin Akhoury, Advocate for R-1 & 2.
Mr. Aditya Samaddar, Advocate for R-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

SANJEEV NARULA, J. (Oral):

1. The Petitioner, a student enrolled in B.B.A. programme (second shift) for 2018-2021 run by Respondent No. 1 [*hereinafter* “GGSIPU”] is aggrieved with cancellation of her admission, conveyed *vide* letter dated 29th January, 2021 [*hereinafter* “*impugned communication*”]. She seeks revocation thereof and consequential orders.

2. Briefly stated, the Petitioner secured admission in Respondent No. 3 *viz.* Sirifort Institute of Management Studies [*hereinafter* “SIMS”], a college



affiliated with GGSIPU, for pursuing B.B.A. programme. She attended and appeared for the first and second semester examination in December 2018 and May 2019, respectively, and pursuant thereto, considering her low credit score, she re-appeared for some of the subjects in the first year. Subsequently, she also sat for third semester examination, result whereof is awaited.

3. In the meantime, on 17th February, 2021, Petitioner's mother received a phone call informing her that Petitioner's admission has been cancelled. On the next day, she visited SIMS and was provided the impugned communication. She reached out to Jt. Registrar (Admissions) of GGSIPU requesting reconsideration of the afore-noted decision and also submitted several representations and reminders, but to no avail. It transpires that cancellation of admission has resulted from the recommendation of SIMS *vide* letter dated 17th March, 2020, which in turn is premised on her alleged voluntary withdrawal of admission from the programme, which is dealt with later on in this judgment.

4. Mr. Preetam Singh, counsel for Petitioner, argues that the impugned communication is arbitrary, in gross violation of principles of natural justice, liable to be set-aside for the following reasons: -

4.1. The purported communication dated 08th January, 2020 allegedly written to the Director of SIMS [*hereinafter* "withdrawal letter"] was never written by the Petitioner. In fact, she was not in Delhi on the said date and was travelling outstation from 07th January, 2020 to 13th



January, 2020. SIMS has acted in a *mala fide* manner and forged the alleged withdrawal letter.

- 4.2. The Jt. Registrar (Admissions) acted upon the recommendation of SIMS after expiry of ten (10) months. In the meantime, the Petitioner was considered as a regular student of GGSIPU in matters concerning fee, examination, etc. The Petitioner was given no intimation/communication concerning her proposed cancellation of admission all this while. The impugned communication was handed over by SIMS to the Petitioner only on 18th February, 2021 i.e., after over twenty (20) days from the date of issuance.
- 4.3. The Petitioner has not been heard at any stage prior to issuance of the impugned communication. The recommendation of SIMS dated 17th March, 2020 was disposed of without affording an opportunity to the Petitioner to be heard. Additionally, the representations made by the Petitioner to the Jt. Registrar (Admissions) remain unaddressed by the concerned authorities.
- 4.4. The impugned communication was an *ex-parte* decision taken by the Respondents sans consideration of her academic status and future prospects.
- 4.5. The belated counter-affidavit filed by SIMS is without proper authorization and the same should be considered *non-est* and SIMS should be subjected to cost, as observed in the Order dated 12th

November, 2021.

5. *Per contra*, Mr. Aditya Samaddar, counsel for SIMS, makes the following submissions: -
 - 5.1. The withdrawal letter was received by the Administrative Office of SIMS and duly forwarded to GGSIPU for further action. The Petitioner did not respond to telephonic communications made to her by the principal and head of the department. SIMS then sent reminders to GGSIPU *vide* letters dated 17th March, 2020 and 12th November, 2020 which finally resulted in the impugned decision.
 - 5.2. The Petitioner seeks to take benefit of the policy decision issued *vide* Notification dated 08th June, 2020 by GGSIPU [*hereinafter* “*the Policy*”] whereby the normal applicable standard(s) for promotion were halted/suspended, in light of the prevailing COVID-19 pandemic situation. Ordinance 11 amended *vide* Notification No. IPU/JR(C)/Ord.11/BM60/Rev./2015 [*hereinafter* “*2015 Notification*”] by GGSIPU contains Rule 11.7 [*i.e.*, ‘Promotion Policy to Next Academic Year’] which entails that a student is entitled to be promoted subject to fulfillment of certain conditions stipulated therein. Relevant portion of the Policy issued by GGSIPU reads as under: -

“1. **xx .. xx .. xx**
b) No exams to be conducted for all intermediate semesters/years and their unconditional promotion to next semester/year. The students would be promoted to be the next semester on the basis of composite 50% weightage to marks in the previous semester/year only and 50% weightage of marks in internal assessment of the current semester in each subject.



- xx .. xx .. xx
3. The carry forward (for the subjects in which the student has failed in previous year/semester) would be allowed for the current academic semester/year and every student would be promoted to the next semester/year, irrespective of the approved promotion criteria. However, such students would be required to clear the examinations for the subject/course in which he/she is failed/remained absent as and when examinations are held for the same in future.”

[Underlining supplied]

5.3. The result of second semester, declared in July 2019 makes it abundantly clear that the Petitioner did not meet the requisite criteria under Ordinance 11 of the 2015 Notification and hence, was not eligible for promotion to the next academic year in terms of said Ordinance.

6. Adopting the afore-noted submissions made by counsel for SIMS, Mr. Sachin Akhoury, counsel for GGSIPU, submits that the University/GGSIPU acted as per recommendations made by the College/SIMS. Further, he emphasizes that Petitioner requested for cancellation of her admission, on her own accord, hence an advance intimation *qua* the impugned communication giving reasons for the same is a superfluous submission and wholly misconceived.

7. The Court has heard the submissions advanced by the counsel for the parties. The admission of the Petitioner was cancelled by the Jt. Registrar (Admissions)/GGSIPU on the basis of recommendation received by them from SIMS. In turn, SIMS places reliance on the alleged voluntary withdrawal, conveyed by the Petitioner through a letter that is annexed to the counter-affidavit of GGSIPU as ‘ANNEXURE-1’ and is extracted



hereinbelow: -

07,
 The Director
 Institute of Management Studies
 Sector 28, Rohini
 Delhi - 110085
 Sub: Withdrawal of Admission
 Sir,
 I, Anu Singh, Enrollment No. 45924301718
 of BBA Course, am a student of this
 institution.
 I would like to withdraw my admission from
 this as due to year back, I could not clear my
 paper of 1st year. Therefore, I wish to withdraw
 from your College.
 Thanking you,
 Anu Singh
 BBA (2nd year)
 Batch (2018-21)
 Enrollment No. 45924301718
 Anu Singh
 08/01/2020

8. The afore-noted communication is emphatically denied by Petitioner. In fact, she has alleged that the same is a forged and fabricated document. She categorically denies that the afore-said document bears her handwriting and signatures.

9. On the other hand, to support their decision, SIMS contends that on receipt of withdrawal letter dated 08th January, 2020, they immediately



forwarded the same to the GGSIPU for further action. They rely on letter dated 17th March, 2020, and reminder sent on 12th November, 2020 to GGSIPU annexed to the counter-affidavit filed by GGSIPU as ‘ANNEXURE-2’ and ‘ANNEXURE-3’, respectively. The said communications are extracted as under: -

“Ref no.-F.1(3)/SIMS/IPU/Admnw/BBA/1221

Date:- 17.03.2020

To
Registrar (Admission)
GGSIP University,
Sector 16-C
Dwarka-110075

Subject: Issue of Admission Cancellation order

1. On the above cited subject it is stated that the following student has withdrawn form the BBA course during the session as 2019-20 as detailed below:-

S. No.	Name	Enrolment No.	Course/ Shift	Cancellation of Admission wef the session	Reason for cancellation/ withdrawn	Remarks
1	ANU SINGH	45924301718	BBA(E) 2 nd Shift (2018-21)	2019-20	Withdrawn	Withdrawal Application Enclosed

2. It is requested to issue admission cancellation order in respect of above student of BBA course of this institute.

Yours Sincerely,
Sd/-
Dr. Anukool Bajpai
Principal

Encl: - withdrawal application of the student.”

[Bold and underlining in original]

“Ref no.-F.1(3)/SIMS/IPU/Admn.W/BBA/1239

Date:- 12.11.2020

To
Registrar (Admission)
Guru Gobind Singh Indraprastha University,
Sector 16-C
Dwarka-110078

Sub: REMINDER: ISSUE OF ADMISSION CANCELLATION ORDER

Sir,



NEUTRAL CITATION NO: 2022/DHC/002797

1. With reference to letter No F-1(3)/SIMS/IPU/Adm.W //1221 dtd 17.03.2020 Sent by our institute, please process the withdrawal of below mention Student.

S. No.	Canidate's Name	Candidate's Enrolment No.	Course/ Shift	Cancellation requested from which academic session	Reason for cancellation/ withdrawn	Remarks
1	Anu Singh	45924301718	BBA 2 nd (2018-21)	2019-20	Withdrawn	

2. It is requested to issue admission cancellation order in respect of above student of BBA course of this institute.

Encl: 1.Copy of student withdrawal Applications.
2.Copy of our referred letter.

Sd/-
(Dr. Anukool Bajpai)
Principal”

[Bold and underlining in original]

10. In terms of the afore-noted communications, GGSIPU cancelled Petitioners' admission *vide* impugned communication dated 29th January, 2021, which reads as follows: -

“Ref. GGSIPU-7/Admission-Cancellations/1134

Date: 29/01/2021

To
Director
Sirifort Institute of Management Studies.
8. Institutional Area, Sector 25, Rohini. Delhi 110085

Subject: Cancellation of Admission from BBA Programme.

Sir,

This is with reference to your letter No(s) F.I(3)/SIMS/IPU/ADMIN/BBA/1221 DATED 17.03.2020 on the subject cited above. It is to inform you that on your recommendation, and student status as received from the examination branch of the university, the admission of the student(s) mentioned below have been cancelled from BBA Programme in SIMS institute.

S. No.	Name of Student	Enrolment No.	Programme	Admissions cancelled w.e.f
1.	ANU SINGH	45924301718	BBA 2 nd Shift	2020-21

Further. security amount deposited by the student may be refunded to the student. Discrepancy, if any. may be communicated to the University within one week from the issue of this letter. No further communication will be entertained for



Sd/-
(Brig P K Upmanyu)
Joint Registrar (Admissions)''

11. The veracity of the withdrawal letter is doubtful in view of Petitioner's stand of forgery. She has also placed her air tickets on record to demonstrate that she was not in Delhi from 07th January, 2020 to 13th January, 2022 and has annexed a communication in her own handwriting and signatures to substantiate that the handwriting and signatures on the letter dated 08th January 2020 are at completely at variance with her handwriting and signatures. The same is extracted as under: -

THANKING YOU
 (SIGNED) [illegible]
 (SIGNED) [illegible]
 (SIGNED) [illegible]
 (SIGNED) [illegible]
 (SIGNED) [illegible]
 (SIGNED) [illegible]



12. The handwriting and signatures on the two documents [*i.e.*, the withdrawal letter and revocation of cancellation letter dated 02nd March, 2021] reproduced above are *ex-facie* visually poles apart. The Court can only make a comparison on a *prima facie* basis and detailed examination on this aspect can only be done by way of forensic test(s) or on the basis of expert opinion, and considering the jurisdiction exercised by this Court, allegations of forgery cannot be conclusively adjudicated, on the basis of the material placed on record. That said, this factual dispute alone cannot be a ground to deny relief to the Petitioner as there are certain other glaring facts which cannot go unnoticed and indeed validate Petitioner's case. The Court is also conscious that Respondents are institutions which, in absence of any demonstrable malice, would have no apparent reason to falsify their records. Nonetheless, the veracity of the withdrawal letter is highly suspicious considering the other substantive material and significant facts which corroborates Petitioner's case and confirm her entitlement for the relief. There is strong merit in Petitioner's contention that there has been gross undue delay on part of GGSIPU in taking the decision on 29th January, 2021 (*vide* impugned communication). The alleged withdrawal letter was acted upon after expiry of over ten (10) months since the College/SIMS corresponded with the University/GGSIPU. This delay is not satisfactorily explained. Further, there is no plausible explanation as to why the Petitioner was called upon by SIMS to appear in the third semester in December 2020. Further, it is not convincing that SIMS tried reached out to Petitioner *via* telephone calls but did not get any response. This a bald statement without any supporting material. GGSIPU has also argued that they acted as per the instructions/wishes of Petitioner and in terms of the recommendations given



by SIMS *vide* letter dated 17th March, 2020 and reminder sent by them on 12th November, 2020. However, there is no reason forthcoming for not taking a decision thereon. This is also contrary to facts which point towards intention and endeavor of the Petitioner to continue with her higher education. There is also no explanation as to why SIMS was sending reminders (as extracted above), while allowing her to continue with her education with them and then permitting her to appear in examinations, etc.

13. The College/SIMS, in their counter-affidavit, asserts that for getting a degree in B.B.A. programme – a student needs to obtain 150 out of a possible 160 credits. They highlight Petitioner's poor academic performance to argue that she did not meet the criteria for being awarded 50% of the credits for the said academic year (26 credits out of 52) and as such, was not eligible for promotion to the next academic year in terms of Ordinance 11 of 2015 Notification. However, it cannot be denied that in June 2020, GGSIPU issued the Policy considering the circumstances owing to COVID-19 pandemic prevalent at the time. As a result, the normal applicable standards for promotion were suspended and students were automatically promoted to the next academic semester/years. No examination was conducted for all intermediate semester/years and students were unconditionally promoted to the next semester/year on the basis of composite 50% weightage to marks in the previous semester/year only and 50% weightage of marks in internal assessment of the current semester in each subject.

14. Respondents contend that the Petitioner is taking advantage of the afore-said Policy realizing that she was entitled to be promoted to the next



year as per the relaxed norms and for this reason, she is seeking revival of admission. Even if it is assumed so, that in itself cannot be a ground to discredit her version. It cannot be ignored that the Petitioner deposited the requisite fee for the second year i.e., Rs. 83,000/- on 18th December, 2020 and sent an intimation to SIMS *qua* such payment through e-mail communication annexing therewith the proof of payment. Thereafter, the Petitioner was issued an admit card in the month of December 2020 for appearing in the third semester examination that is annexed as ‘ANNEXURE P-8’ to the petition. She sat for the same in January-February 2021.

15. At this juncture it must also be noted that the College/SIMS has recommended revocation of the impugned communication issued by the University/GGSIPU *vide* communication dated 03rd March, 2021. The same reads as follows: -

“Ref no.-F.1(13)/SIMS/IPU/Admissions/030321

Date:- 03.03.2020

Place: New Delhi

To
Joint Registrar (Admission)
Admission Branch
GGSIP University,
Sector 16-C
Dwarka-110078

Subject: Revocation of the cancellation of admission

Dear Sir,

This is with reference to your letter Ref No. GGSIPU-7/Admission-Cancellations/1134 dated 29/01/2021 on the subject cited above due to student's stress related problems, she has requested to withdraw her admission, but now she intends to rejoin the course. This is the matter of student's future and concern.

On the basis of request received from the student, the Institute requests to restore her admission as a special case.

Kindly do the needful and oblige.



Thanking you,

Yours Sincerely,
Sd/-
Dr Anukool Bajpai
PRINCIPAL”

[Italics supplied; bold and underlining in original]

16. In view of the foregoing, Petitioner is entitled to succeed and accordingly, the impugned communication is set-aside. The admission of the Petitioner with SIMS is re-instated in the B.B.A. programme (second shift) with SIMS. The Petitioner shall now be allowed to continue with her education in terms of the applicable rules/ordinances/policies of GGSIPU.

17. With the above directions, the present petition is disposed of along with other pending application(s).

SANJEEV NARULA, J

JULY 20, 2022

d.negi

(Corrected and released on: 26th July, 2022)