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

+ **W.P.(C) 4533/2024 and CM APP No. 18598/2024**

DR. OMPAL SHOKEEN

..... Petitioner

Through: Mr. Varun Mudgil, Ms. Meera Kaura Patel, Mr. Mohit Mudgal, Ms. Muskaan Gandhi and Mr. Rakesh Kumar, Advocates

versus

THE INDIAN LAW INSTITUTE & ANR. Respondents

Through: Mr. Ankit Jain and Mr. Aditya Chauhan, Advocates for R1
Mr. Arjun Mahajan, SPC and Ms. Neha Rai, Advocates for R2

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

01.04.2024

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1. The petitioner is presently working as Secretary, Delhi Legal Services Authority, having been inducted into the Delhi Judicial Services in May 2019.

2. In June 2023, the petitioner applied for admission to the Post Graduate Diploma Course in Corporate Laws and Management (PGDCLM), being offered by the Indian Law Institute (ILI). This Court, through the learned Registrar General, granted permission to the petitioner to pursue the said course *vide* letter dated 19 July 2023, which incorporated the following conditions :



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- “1. That the joining of course by him should not affect his disposal and maintaining of official punctuality;
 2. That the permission accorded can be withdrawn, at any time, without assigning any reason, if it is found that such pursuing of higher studies by him is affecting his normal court working as also, in any manner, affecting in maintaining punctuality or observing the court timings;
 3. That no study leave shall be granted to him and *only leave for actual dates of examination shall be sanctioned*; and
 4. That the course timing should not overlap the normal court working hours.”
3. The PGDCLM course of the petitioner with the ILI commenced on 2 August 2023.
4. Mr. Varun Mudgil, learned counsel for the petitioner, emphasizes the fact that the petitioner undertook the course only because classes were held between 6 and 8 pm, which enabled the petitioner to attend the classes without compromising on his judicial work. He also emphasises the fact that, till date, the petitioner has never availed leave, which is reflective of his sincerity as a judicial officer.
5. *Vide* notice dated 20 February 2024, the ILI announced that the annual examinations of the PGDCLM course would be held on 8 April 2024 i.e. a week from today. No timings for the examinations were, however, announced in the said notice.
6. By a subsequent circular dated 15 March 2024, modified by a further circular dated 26 March 2024, the ILI announced that the



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annual PGDCLM examination would be held between 2 and 5 pm on 8 April 2024.

7. This, submits the petitioner, interferes with the discharge of his judicial duties on the date of the examination. The petitioner, therefore, by this writ petition, seeks that the annual PGDCLM examination, in so far as the petitioner is concerned, be held between 6 pm and 9 pm so that the petitioner is able to undertake the examination after discharging his judicial duties in the earlier part of the day.

8. The prayer is, frankly, quite astonishing. The law can adapt itself to ensure dispensation of justice to the litigants before it, but the law is incapable of tailoring itself to suit the exigencies in which each individual litigant is placed. Else, there would be utter chaos and uncertainty in the law.

9. It is also well settled that a remedy must necessarily be preceded by a right. *Ubi jus ibi remedium*. Absent a legally enforceable right, a litigant cannot seek a remedy from a Court. Courts cannot be called upon to pass orders merely to suit the circumstances and exigencies in which the individual litigant before the Court is placed.

10. The petitioner desires that, only for him, the annual PGDCLM examination be held by the ILI separately. The difficulties which would arise, were such a prayer to be granted, are easily visualized. The authority holding the examination would have to adapt the timing



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of the examination to suit the individual convenience of all candidates undertaking it. This is, obviously, impossible. Besides, for obvious reasons, it is well settled that, ordinarily, an examination is undertaken by all candidates at the same time, simultaneously, especially where all candidates undertake the same question paper.

11. I am also informed that, for this particular examination, there are only 88 students who are undertaking the examination. It goes without saying, therefore, that the Court cannot possibly direct the petitioner alone to be allowed to undertake the examination between 6 and 9 pm, even while all other candidates will undertake the examination at the scheduled time of 2 to 5 pm.

12. Besides, the order dated 19 July 2023 issued by the Registrar General of this Court, whereby the petitioner was permitted to undertake the PGDCLM course, itself caters to the circumstance in which the petitioner finds himself, by allowing the petitioner to take leave for the actual dates of the examination. This was obviously to cater to a situation in which the timings of the examination would clash with the judicial hours of the officer concerned.

13. This petition is, therefore, in fact devoid of any sustainable cause of action. The petitioner has already been granted permission to take leave on the date when the examination is to be undertaken. Mr. Mudgil submits that the petitioner is hesitant to do so as it would probably break his record of having discharged his judicial duties till date without taking any leave. While this fact, if correct, is commendable, and this Court records its appreciation in that regard, it



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is not possible for the Court, for that reason, to modulate the timings of the annual PGDCLM examination to suit the petitioner individually.

14. As already noted, the petitioner is at liberty, if he desires to undertake the examination, to avail leave from his judicial work on that day.

15. The petition is thoroughly misconceived, and is accordingly dismissed.

C.HARI SHANKAR, J

APRIL 1, 2024/yg

Click here to check corrigendum, if any