



2024:DHC:3560



\$~116

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

+ **W.P.(C) 14715/2023**

ADARSH TEOTIA

..... Petitioner

Through: Dr. Manish Aggarwal and Ms.
Barnali Paul, Advs.

versus

**NETRA INSTITUTE OF GEOINFORMATICS
MANAGEMENT AND TECHNOLOGIES FOUNDATION
AND ORS.**

..... Respondents

Through: Mr. Nikhil Jain, Adv. for R-1 &
R-2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

02.05.2024

%

1. The present petition deals with a post-graduate diploma in Geoinformatics provided by the Chaudhary Charan Singh University (CCSU), which the petitioner undertook.

2. Respondent 1, Netra Institute of Geoinformatics Management and Technologies Foundation (hereinafter referred to as "Netra") was the technical and skill training partner for training students to undertake the said diploma course, for which purpose a Memorandum of Understanding (MoU) dated 4 July 2022 was executed between Netra and CCSU. The diploma course was for one year, comprising two semesters. The petitioner was admitted to the course in November



2024:DHC:3560



2022. He appeared in the first semester examination which was conducted between 14 and 23 March 2023. Though para 3.2 of the writ petition states that the petitioner cleared the said exam, Dr. Aggarwal, learned Counsel for the petitioner, submits that, in fact, the results for the first semester exam have not been released by the CCSU.

3. Dr. Aggarwal emphasises the fact that the petitioner was the sole student attempting to the PG diploma course in Geoinformatics through Netra.

4. The writ petition alleges that the petitioner received his admit card and datesheet for appearing in the second semester examination of the PG diploma course only on 4 July 2023, through a WhatsApp sent by Respondent 3, Aditi, stated to be the coordinator in Netra. The petitioner claims to have been shocked to see that the datesheet indicated that the first two papers (GIS-2001 and GIS-2002) to be undertaken by the petitioner in the second semester had already taken place on 30 June 2023 and 3 July 2023 respectively. Three more examinations were scheduled on 5 July 2023, 6 July 2023 and 7 July 2023, which the petitioner undertook.

5. The petitioner represented to the respondents against the belated issuance, to him, of his admit card only on 4 July 2023, thereby disabling the petitioner from appearing in the GIS-2001 and GIS-2002 papers, which took place on 30 June 2023 and 3 July 2023.



2024:DHC:3560



6. The writ petition asserts that the petitioner had no information, whatsoever, regarding the first two papers of the second semester examinations held on 30 June 2023 and 3 July 2023. Dr. Aggarwal submits that it was Respondent 3 who was always keeping the petitioner informed regarding the dates of the oncoming examinations, and also provided the admit card of the petitioner over WhatsApp, and that it was thus that the petitioner had even undertaken the first semester examination of the PG diploma course.

7. In these circumstances, the petitioner has approached this Court by means of the present writ petition, for a direction to the respondents to re-conduct the GIS-2001 and GIS-2002 examinations of the PG diploma course in Geoinformatics, which were held on 30 June 2023 and 3 July 2024, as his inability to attempt the said examinations was owing to no fault of his, but because Respondent 3 belatedly informed him of the schedule of examinations and issued him the admit card after the first two papers had already concluded.

8. Counter affidavits to the writ petition have been filed by the CCSU as well as by Netra. They are more or less identical.

9. Both the counter affidavits assert that the schedule of second semester examinations was released on 26 June 2023 and uploaded on the website of the CSSU on 27 June 2023. The CCSU has also placed on record, in this context, an internal communication addressed by the Examination Controller to the Senior Centre Head of the University, clearly stating that the schedule for the Even Semester examination of



2024:DHC:3560



PG Diploma course, which was to be conducted from 30 June 2023, was made available on the website of the CCSU www.ccsuniversity.ac.in.

10. The counter affidavits of the respondents also assert that the petitioner had been issued a login ID and password, wherefrom he was required to download his admit card. If he failed to do so, the counter affidavits submit that no fault can be laid at the door of the respondents.

11. Dr. Aggarwal submits, *per contra*, that no login ID or password was issued to his client. He draws my attention, in this context, to para 9 of the rejoinder filed by the petitioner to the counter affidavit of Netra which reads thus:

“9. That the contents of the para no. 9 of the Counter Affidavit of the Respondent is wrong and denied. It is denied that the admit card is also downloaded by the student from the website of the university for which a login id and password is given to the student. It is to be noted that the admit card and date sheet of Petitioner was shared by the Respondent no.1 through WhatsApp belatedly which confirms that the login id and password of Petitioner is with the Respondent no.1.”

12. Having heard Dr. Manish Aggarwal, learned Counsel for the petitioner, and Mr. Nikhil Jain, learned Counsel who represents the CCSU as well as Netra, at some length, there is no reason why this Court should disbelieve the assertions in the counter affidavits of the CCSU and Netra that the schedule of the second semester examination of the PG Diploma course in Geoinformatics, which was to commence on 30 June 2023, was uploaded on the website of the CCSU. Even in



2024:DHC:3560



the rejoinder filed by the petitioner to the counter affidavits of respondents, the petitioner does not deny the fact that the schedule of the examinations was in fact uploaded on the website of the CCSU on 27 June 2023 as asserted in the counter affidavit.

13. The fact that the petitioner may have been kept informed of the schedules of the examinations and also forwarded the admit card for appearing therein, by Respondent 3, Aditi, cannot modify the protocol which the students who are undertaking the examinations were required to follow.

14. If the schedules for examination was uploaded on the website, the petitioner was required to be vigilant and keep a watch to know when the examinations were to be held. If he sat back and waited for Aditi to inform him, he has only himself to blame.

15. Even in the matter of issuance of admit card, the concurrent stand of the respondents is that the petitioner was issued a login ID and password using which he was required to download the admit card. There is no categorical denial of this assertion in the rejoinder filed by the petitioner.

16. Para 9 of the rejoinder, on which Dr. Aggarwal relies, does not specifically state that no Login ID and password was provided to the petitioner. It is merely in the nature of a standard denial of the assertions in the counter affidavit. That denial, too, is only to assertion in the counter-affidavit that the admit card is required to be



2024:DHC:3560



downloaded by the student from the website of the university for which a Login ID and password is given to the student. The petitioner does not deny that he was, in fact, given a login ID and password. What is denied is the assertion that, using the login ID and password given to the student, the student was required to download the admit card.

17. I am not inclined to countenance such a denial. If a login ID and password is provided to the student, it stands to reason that the student is required to use the Login ID and password for the purpose for which it is provided, which, as per the concurrent stand of the CCSU and Netra, includes downloading of the admit card.

18. The inference, further sought to be drawn in para 9 of the rejoinder, from the sharing of the admit card and datesheet of the petitioner by Respondent 3 Aditi, that this confirmed that the Login ID and password of the petitioner were with Netra, too, fails to impress. There is nothing in the WhatsApp chat between the petitioner and Respondent 3, Aditi to the effect that the Login ID and password were with Netra and had not been provided to the petitioner.

19. There is, therefore, no clear material on the basis of which this Court can, in exercise of its jurisdiction under Article 226 of the Constitution of India, disbelieve the concurrent assertions by the CCSU and by Netra that the Login ID and password were provided to the petitioner so that he could download his admit card from the website of CCSU. In the alternative, even if there were any ground

Signature Not Verified

Digitally Signed By: AWIP.(C) 14715/2023
KUMAR
Signing Date: 03.05.2024
16:16:22

Page 6 of 7

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 03.05.2024
16:15:26



2024:DHC:3560



for a doubt in this regard, it would be a disputed question of fact which cannot be resolved in proceedings under Article 226 of the Constitution of India.

20. For the aforesaid reasons, I do not find it possible to grant the prayer in the writ petition.

21. The writ petition is accordingly dismissed, with no orders as to costs.

C. HARI SHANKAR, J.

MAY 2, 2024

dsn

[Click here to check corrigendum, if any](#)

Signature Not Verified

Digitally Signed By: **AWIP.(C) 14715/2023**
KUMAR
Signing Date: 03.05.2024
16:16:22

Page 7 of 7

Signature Not Verified

Digitally Signed
By: **CHANDRASEKHARAN**
HARI SHANKAR
Signing Date: 03.05.2024
16:15:26