



2024:DHC:7344



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

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Reserved on: 16.08.2024***Pronounced on: 23.09.2024***+ **W.P.(C) 7523/2017, CM APPL. 5534/2023 & CM APPL.
5537/2023****BHUMIKA AGGARWAL**

.....Petitioner

Through: Dr. C. Adish Aggarwala,
Senior Advocate with Mr.
Malay Swapnil, Advocate.

versus

**I.C.P.S. (THE INSTITUTE OF CONSTITUTIONAL &
PARLIAMENTARY STUDIES) & ORS.**RespondentsThrough: Mr. Pramod Gupta, Mr. Harsh
Jaiswal & Ms. Poonam Dolo,
Advocates.**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J.**

1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of petitioner seeking following prayers:

“...1. Issue a writ, order, direction and instruction in the nature of mandamus in favor of the petitioner and against the respondents thereby directing the respondent no. 1 to declare the result.

2. Grant the cost of the writ in favor of the petitioner and against the Respondents as this Hon'ble Court deems fit,



just and proper; according to the fact and circumstances of the present case...”

2. **Brief facts of the case**, as disclosed from the petition, are that the petitioner herein had taken admission in the respondent no. 1 i.e. Institute of Constitutional & Parliamentary Studies (***I.C.P.S.***) on 01.07.2013 in the course of PG Diploma in Constitutional Law, for the academic year 2013-14, with Roll No. 46/CL/08. The petitioner had also previously completed two diploma courses, namely the PG Diploma in Parliamentary Institutions & Procedure, and the PG Diploma in Parliamentary Fellowship, from the respondent institute during the academic year 2012-13. According to the petitioner, I.C.P.S. has established a rule that all students must be notified about the date and time of examinations *via* email, phone calls, or other means of communication. However, for the academic year 2013-14, the petitioner did not receive any such intimation from the respondents. The petitioner learned about the date and venue of the examination from a fellow student who was also enrolled in the same course. Upon being informed, the petitioner had approached I.C.P.S. and respondent no. 3, Mr. Sunil Kumar (Assistant Registrar), to enquire about the examination. After realizing their mistake, the respondents had allowed the petitioner to sit for the examination and apologized for the oversight. Subsequently, the petitioner had appeared for the PG Diploma in Constitutional Law examination on 24.02.2014 in the premises of I.C.P.S. However, when the result of the course was declared on 25.03.2014, the petitioner’s result was conspicuously absent. All other students’ results were published, but



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the petitioner's name and roll number were not mentioned. According to the petitioner, it is the established policy of I.C.P.S. that results for all students, whether passed or failed, must be declared. Despite this, the respondents did not declare the petitioner's result for the academic year 2013-14, and no explanation was provided. The petitioner, having not received her result, repeatedly had approached the respondents for clarification. Respondent no. 2, Mr. Sunil Kumar, had assured the petitioner on multiple occasions that her result would be declared soon, but no action was taken. Frustrated by the delay, the petitioner had written a mercy letter dated 09.09.2015 to respondent no. 1, requesting the release of her result. The petitioner however had received no response to this letter. The petitioner has also argued that, according to I.C.P.S. policies, a student's result may be withheld if they are debarred from the examination due to low attendance. However, in this case, the petitioner was neither debarred nor had low attendance, and she had duly appeared for the examination. Despite this, her result remains undeclared. On 27.02.2017, the petitioner had filed an RTI application through her lawyer, seeking information about her result. The respondents had replied on 30.03.2017, but without attaching the necessary annexure referenced in their reply. The petitioner had written again to the respondents on 09.05.2017, attaching the annexure and reiterating her request for her result to be declared, but the respondents had failed to provide the required documents or any further response. After facing continued inaction, the petitioner had no other option but to approach this Court. The petitioner had previously filed a civil suit on



03.07.2017 before the Senior Civil Judge at Patiala House Court, New Delhi, titled *Bhumika Aggarwal vs. I.C.P.S. & Ors., CS No. 788/2017*. However, the suit was dismissed as withdrawn, with liberty granted to the petitioner to file an appropriate writ petition before this Court.

3. **The learned Senior Counsel appearing on behalf of the petitioner** argues that the conduct of the respondent is arbitrary, capricious, and without any reasonable justification. Despite repeated representations and requests made by the petitioner, the respondents have not taken any action on her representations nor declared her result. It is argued that the petitioner is a sincere student of the respondent institute and has right to receive her result for the examination that she has lawfully attempted. It is further contended that she is a meritorious student and there is every likelihood that she has successfully passed the exam, yet the respondents have unjustly withheld her result. It is stated that numerous representations and requests of the petitioner have been ignored by the respondents, who have failed to provide the relevant information through the RTI application as well. It is argued that due to the respondents' inaction, the petitioner has suffered considerable physical and mental distress, which cannot be adequately compensated. It is further submitted that the petitioner is a practicing lawyer and, being aggrieved by the respondents' unjust conduct, is entitled to the reliefs prayed for in the present writ petition.

4. **The learned counsel appearing on behalf of the respondents**, on the other hand, contends that the petitioner has no



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right to demand the declaration of her result, as she had zero attendance in the PG Diploma course in Constitutional Law. The respondents assert that the petitioner has made false submissions in paragraphs 5, 6, and 12 of the writ petition, and that her claim lacks merit. Along with the reply to the writ petition, the respondents have submitted a letter dated 24.04.2014, which is a handwritten request by the petitioner asking for permission to sit for the examination. In the letter, the petitioner had undertaken to submit a medical certificate from a government hospital before the declaration of the result. It is argued that the petitioner has failed to provide such a medical certificate and, given her lack of attendance, the declaration of her result would undermine the integrity of the diploma program. It is further submitted that I.C.P.S. operates under the aegis of the Lok Sabha Secretariat and conducts various diploma programs, including the PG Diploma in Constitutional Law. Given the petitioner's zero attendance, allowing her result to be declared would dilute the academic standards of the program. It is further highlighted that no other candidate with low attendance was permitted to undertake the exam. All other students who had low attendance were absent from the exam and were not awarded a diploma certificate. It is asserted that the petitioner is attempting to seek an exception by requesting a writ of mandamus for the declaration of her result, despite not fulfilling the attendance requirements. Therefore, it is prayed that the present writ petition be dismissed.



5. This Court has **heard** arguments addressed by learned Senior Counsel for the petitioner as well as learned counsel for the respondent, and has gone through the material placed on record.

6. In the case at hand, the petitioner's main grievance is that despite having appeared in the examination for the PG Diploma course in Constitutional Law on 24.02.2014, her result has not been declared by the respondent-institute, even though the result for all other students was announced. The petitioner contends that she had a right to receive her result as she had duly attempted the examination and was neither debarred nor short on attendance. On the other hand, the respondent's primary argument is that the petitioner had zero attendance in the PG Diploma course and had failed to submit a medical certificate as required, thereby making her ineligible for her result to be declared.

7. Having considered the submissions made on behalf of both parties, this Court is of the opinion that the petitioner, admittedly, was aware of her attendance issues and had requested special permission to sit for the examination, and resultantly, she had promised to submit a medical certificate to justify her absence during the diploma program. The handwritten undertaking submitted by the petitioner, to the respondent institute, is reproduced hereunder:



24.2.2014

To,
The Director
ICPS, Delhi
Respected Sir,

I, BHUMIKA AGGARWAL, student of Diploma
In Constitutional Law. I have suffering from
severe back pain that's why I can't
attend the classes and I have request
you to give me a permission for the exam
I ~~have not~~ submitted the medical Certificate
I don't want to claim the result as
I highly oblige my request.

Respectfully
Thanking you
Yours faithfully
BHUMIKA AGGARWAL
09717845453

I will be Submitted the Medical Certificate
of Government hospital before the declaration
of the result.

Respectfully

THIS ANNEXURE IS TRUE COPY
OF ORIGINAL DOCUMENT

8. It is clear that the petitioner has undertaken to furnish medical certificate in support of her claim and request made to the institute, however, the petitioner herein has not been able to provide any evidence of having submitted the required medical certificate to the respondent-institute, a condition that she herself had undertaken to appear for examination. Admittedly, she was granted permission to



appear for the examination on the basis of the request letter produced herein above. In the letter itself which is admittedly written by her she had not only undertaken to file her medical certificate from a government hospital but had also undertaken that she will not claim the result and will furnish the medical certificate before claiming the result. The request letter is in her handwriting and signed by her. It is thus clear that the permission to sit in the examination was provisional and declaration of her result was dependent on her filing and producing medical report before the respondent institute. She has herself admitted in her request letter that she had not been able to attend the classes as she was unwell. The attendance register produced on the direction of the Court also reflect zero attendance of the petitioner. Even till date, the petitioner has failed to produce the medical certificate and in this Court's opinion, without submitting this crucial document, the petitioner cannot claim a right to get her results declared.

9. Further, the respondent-institute has also emphasized that no other student, with similarly low attendance, was allowed to take the examination, and those who were absent were not awarded the diploma. To treat the case of the petitioner as an exception, without any justification for her failure to meet the attendance requirement, would lead to undermining the academic integrity of the diploma programs and the rules and regulations of an educational institute. The attendance policy of the institute serves a legitimate purpose in maintaining discipline and ensuring that students actively engage with the coursework. Granting relief to the petitioner, who did not



meet these requirements, would be inconsistent with the standards set by the respondent-institute.

10. Moreover, the case of the petitioner is not of '**Low Attendance**' but of '**No Attendance**'.

11. Further, the petitioner has not demonstrated violation of her any fundamental rights or otherwise that would warrant the invocation of this Court's extraordinary jurisdiction under Article 226 of the Constitution of India. The petitioner's failure to comply with the attendance requirements and to furnish the necessary medical documentation cannot be overlooked, as it forms a key part of the respondent's policy in maintaining the quality and credibility of its educational programs.

12. In light of the above discussion, this Court is of the considered opinion that the respondent's decision to not declare the petitioner's result, due to non-compliance by the petitioner with the attendance requirements, is justifiable and in accordance with the established policies of the institute.

13. Accordingly, the petitioner is not entitled to any relief, and the present writ petition, along with pending applications, is therefore dismissed.

14. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
SEPTEMBER 23, 2024/ns