

(2003) 02 GAU CK 0006
In the Gauhati High Court
Case No : Writ Petition (C) No. 5017 of 2002

Dulumoni Kalita

APPELLANT

Vs

Vice-Chancellor, Assam University and Others

RESPONDENT

Date of Decision : 14-02-2003

Acts Referred:

Assam University Act, 1989 — Section 28(1)

Citation : (2003) 2 GLT 97

Hon'ble Judges : Amitava Roy, J

Bench : Single Bench

Advocate : A.M. Mazumdar, N. Saikia, R. Goswami, A. Borah and S. Kalita, for the Appellant; N.M. Lahiri and N. Choudhury, for the Respondent

Final Decision : Dismissed

Judgement

Amitava Roy, J.—In the present proceeding the Petitioner, a student of three years degree course of Gurucharan College, Silchar, (hereinafter referred to as "the College") has taken up the cudgel against the Assam University (hereinafter referred to as "the University") and its authorities for withholding her results in Three Years Degree Course (Part-III) examinations for the years, 2001 and 2002 (for short "TDC (Final) Part-III Examination") and ultimately cancelling her said examination and further debarring her from appearing in any University examination in the next three years, 2003, 2004 and 2005.

2. I have heard Mr A.M. Mazumdar, learned senior Counsel assisted by Ms N. Saikia, learned Counsel for the Petitioner and Mr N.M. Lahiri, learned senior Counsel assisted by Mr N. Choudhury, learned Counsel for the Respondent University.

3. The fascicule of facts necessary to comprehend the issues to be adjudicated has to be presented at the outset. The Petitioner in the year 1998 got admitted in the three years Degree Course (BA) with Major in Sanskrit in the college. She appeared in the BA Part-I and Part-II examinations in the said college in the year

1999, 2000 and passed the same securing an average 62.4% of marks in Sanskrit (Major). In the year 2001, she appeared in BA Part-III examination. On the second day of her examination in the Honours subject, the Petitioner, like many other students while sitting in the examination hall, was practising writing of some words on a white sheet of paper which she had carried to envelope her admit card. In the course of the examination, the Invigilator, noticing the said paper lying on the table of the Petitioner, took it therefrom but she was, however, provided with a new answer script and she completed her examination. The results of TDC (Final) Part-III Examination of the University were declared in the last week of June, 2001 but the Petitioner found that her result was withheld with an endorsement R/A (Report Against). On enquiry being made, the authorities of the University informed her that the Examination Discipline Committee was examining the matter, as there was a charge against her for resorting to unfair means in the examination hall. The Petitioner submitted a representation before the Registrar and the Controller of Examinations narrating the entire facts and pleaded that she was innocent. She followed up the matter by filing representations before the Vice-Chancellor of the University on 4.7.2001 through the Principal of the College requesting him a reconsideration of her case and even offered to appear before the Examination Discipline Committee. Thereafter on 10.10.2001, the Petitioner came to learn that the Examination Discipline Committee had imposed a ban on her for two years, i.e., 2002-2003 on the charge of committing malpractice in the examination hall during her BA (Final) Part-III examination in the year 2001. The Petitioner preferred an appeal on 19.10.2001 before the Vice-Chancellor of the University challenging the decision of the Examination Discipline Committee. Pursuant to the said appeal, a meeting of the Examination Discipline Committee was held on 22.12.2001 in which the Petitioner was also called to attend. According to the Petitioner, in course of deliberations in the said meeting nothing incriminating was detected against her. At that stage, the Petitioner was informed through the Principal of her College that she was permitted to appear in the TDC (Final) Part-III Examination for the year 2002. The authorities of the University, however, did not release the mark sheet of her final examination of 2001. The Petitioner thereafter appeared in the TDC (Final) Part-III Examination for the year 2002 which commenced from 5.3.2002. According to her, she did well in that examination and expected a good result. The results of the examination were declared on 11.7.2002 but again the result of the Petitioner was withheld with the same endorsement "Reported Against". On a representation filed by the father of the Petitioner, the officiating Controller of Examinations of Assam University by letter dated 20.7.2002 (Annexure-6 to the writ petition) informed the Principal of the College that the results of the Petitioner were shown as "Reported Against" on the report of the Head Examiner and the matter would be put up before the Examination Discipline Committee, a meeting whereof had been convened for a final decision. As representations before the Principal of the College and the Vice-Chancellor of the University failed to evoke any response, the Petitioner approached this Court for an appropriate writ to direct the authorities of the University to produce her

answer scripts of the examinations of 2001 and 2002 and also to declare her results in the said examinations. This Court on 13.8.2002 issued notice of motion, inter alia, directing the Respondent No. 2, the Controller of Examinations of Assam University, Silchar, to place before this Court the reasons for withholding the results of the writ Petitioner along with materials on the basis of which such action had been taken. The authorities were further directed to produce the proceedings of the Examination Discipline Committee including its decision, if any, on the charge/ allegation brought against the writ Petitioner. What transpires from the order sheet is that the Respondent University delayed its appearance in the proceeding and this Court by order dated 11.9.2002 directed production of all the answer scripts of the Petitioner in respect of TDC (Final) Part-III Examination along with the report submitted by the Head Examiner as well as action taken by the Examination Discipline Committee of the University. The University entered appearance in the case on 1.10.2002. The answer scripts, in terms of the orders of this Court were produced. In the meantime, an additional affidavit was filed on behalf of the Petitioner, inter alia, expressing her apprehension that she would not get justice from the Respondent authorities in the matter and prayed that the same be referred to a commission comprised of experts or to the Gauhati University for submission of a report on the charges levelled against her. This Court, however, after hearing both the parties by order dated 11.10.2002 declined the prayer and directed the Petitioner to appear before the Examination Discipline Committee allowing it to examine the allegations after giving the Petitioner an opportunity of personal hearing. By the said order, the University was also permitted to pass such order or orders as may be considered appropriate following the said exercise. It was thereafter that the Examination Discipline Committee in its meeting held on 12.11.2002 recommended that the entire examination of the Petitioner for TDC (Final), Part-III Examination be cancelled and she be debarred from appearing in any University examination for next three years, i.e., 2003, 2004 and 2005 and, consequently a notification dated 14.11.2002 to the above effect was issued following the approval of the Vice-Chancellor.

4. The writ Petitioner has by filing the miscellaneous application registered as M.C. No. 1687/2002 assailed the above decision of the University authorities and has prayed for an appropriate order to set aside and quash the impugned notification dated 14.11.2002. The stand of the Petitioner in substance in the miscellaneous application is that all the loose sheets she had used to write her answers were provided/supplied to her by the Invigilators in the hall and carried the signature of the Invigilator and there was nothing contrary on records available to the Examination Discipline Committee to hold otherwise. According to her, the loose incriminating sheet alleged to have been smuggled inside the hall by her had a serial number and like any other student it was not possible for her to know from which bundle of loose sheets meant for distribution in examination hall, the same was taken out to supply it to her. She contended that the report of the Head Examiner alleging that she has smuggled inside the

incriminating loose sheet was without any basis. She alleged that no notice to show cause was given to her regarding the said allegation or initiation of the proceeding on the said charge.

5. The Respondent University has not filed any affidavit in the writ petition but in its affidavit filed in the misc. case referred to above, a stand is taken that being, prima facie, satisfied that the Petitioner was guilty of misconduct in the examination hall during the TDC (Final) Part-III Examination 2002, her results were withheld. While a proceeding in connection therewith was pending, the Petitioner rushed to this Court. According to the answering Respondents, the said proceeding was expedited in terms of the directions of this Court and the final decision taken therein is as contained in the notification dated 14.11.2002. According to them, the impugned order is appealable and in absence of such an appeal, the decision is final and binding on the Petitioner. They have maintained that the Petitioner had been given adequate opportunities of hearing including personal hearing in the proceeding in course of which she appeared in person and defended her case. The answering Respondents have contended that in view of the final decision as per notification dated 14.11.2002, the writ petition has become infructuous. They have questioned the maintainability of the misc. case contending that the cause of action therefore is totally different from the one for which the writ petition had been filed and, therefore, it was liable to be rejected in limine. With reference to the charges relating to the Petitioner's examination in the year, 2001, the Respondent authorities have pointed out that the Examination Discipline Committee had cancelled her said examination and also had debarred her from appearing in any examination for three years. But on an appeal filed by the Petitioner, a lenient view was taken and after partly allowing her appeal, the Petitioner was allowed to appear in her final examination in the year 2002. But she committed a serious misconduct again in course thereof. Defending the proceeding before the Examination Discipline Committee, the Respondent authorities asserted that there was no irregularity or illegality in the same and the finding arrived at are based on facts and this Court in exercise of its power of judicial review would not interfere, therewith. They denied the correctness of the stand taken by the Petitioner that all the loose sheets were provided/supplied to her by the Invigilator in the examination hall. According to them, the decision taken by the Respondent University is based on facts after weighing the gravity of the charge and the same, therefore, does not merit interference by this Court.

On the above pleadings, the following arguments were advanced. The learned senior Counsel for the Petitioner has emphatically urged that the impugned action of the authorities of the University is illegal, arbitrary and malafide. Referring to the mark sheets of the Petitioner for the previous years, he contended that it is incomprehensible that a candidate with such an academic background would resort to unfair means to advance her prospects in any examination. The learned senior Counsel argued that the allegations levelled against the Petitioner pertaining to the TDC (Final) Part-III Examination 2001

were wholly baseless and it was, therefore, that she was allowed to take the examination again in the next year, i.e., 2002. The Petitioner having challenged the action of the Respondent University withholding her results of TDC (Final) Part-III Examination 2002, the authorities thereof were inimical to her and after a show of the enquiry, by the impugned notification dated 14.11.2002 had cancelled her examination and had disqualified her from appearing in any examination for the next three years. The learned senior Counsel maintained that the biased attitude of the authorities of the Respondent University is writ large from their conduct in not responding to the notices in the writ proceedings. They deliberately delayed their appearance before this Court only to harness and intimidate the Petitioner. Referring to the findings recorded in the resolution of the Examination Discipline Committee, the learned senior Counsel argued that as admittedly, the questioned loose question sheet had a serial No. imprinted on it and also contained the signature of the Invigilator, it cannot be conceived that the same was smuggled inside the examination hall by the Petitioner. Further, the report of the Head Examiner on the basis of which the results of the Petitioner were withheld and the matter was referred to the Examination Discipline Committee had not been furnished to her. According to him, the enquiry was unfair and the findings are absurd and pre-determined. With reference to the records produced by the Respondent University, the learned senior Counsel submitted that the same belied the allegations leveled against the Petitioner. Without prejudice to his above submissions, the learned senior Counsel while winding up his arguments also contended that the punishment awarded was unduly harsh and disproportionate and was liable to be interfered with by this Court. In support of his submissions, he relied on the decision of the Apex Court in *Rajesh Kumar and Anr. v. Institute of Engineers (India)* AIR 1998 SC 5.

6. As against this Mr N.M. Lahiri, the learned senior Counsel for the Respondents, raised a preliminary objection with regard to maintainability of the writ petition contending that under Clause (7)(g) of the Ordinance framed u/s 28(1)(g) of the Assam University Act, 1989 (hereinafter called "the Act"), an effective alternative remedy was available to the Petitioner against the decision of the University to withhold her results. He further argued that the miscellaneous application filed by the Petitioner assailing the decision to cancel the examination of the Petitioner and to disqualify her from appearing in any University examination was similarly not maintainable in law, inasmuch as, the same had given rise to fresh cause of action and the Petitioner ought to have either prayed for an amendment of the instant writ petition or should have filed a separate writ petition challenging the same. In any case, he argued that while the deciding the issue in hand, this Court is to confine itself to the pleadings of the parties and any contention raised beyond the pleadings should not be entertained. The learned senior Counsel maintained that the allegations levelled against the Petitioner relating to TDC (Final) Part-III Examination 2001 were established against her but on an appeal filed by her before the Vice-Chancellor of the University, a lenient view was taken and she was permitted to appear in the examination of 2002. However, the

Petitioner appeared to be incorrigible and resorted to unfair means again for which her results of the examination for 2002 were withheld, he argued. The matter was thereafter referred to the Examination Discipline Committee in terms of the Ordinance of the University but the Petitioner without waiting for the outcome of the enquiry rushed to this Court. The learned senior Counsel argued that thereafter in terms of the order of this Court, the matter was again taken up by the Examination Discipline Committee and the Petitioner was afforded adequate opportunity of defending herself and the Examination Discipline Committee thereafter on a detailed consideration of all relevant aspects recorded its findings and, recorded that her examinations be cancelled and she be disqualified from appearing in any University examination for the next three years. According to him, the action taken by the University authorities is strictly in accordance with the procedure prescribed by the ordinance in such matters and the impugned decision has the approval of the Vice-Chancellor of the University. Drawing the attention of the Court to the scope of judicial review in the matters of academic discipline and decisions of the authorities of the educational institutions in that regard, the learned senior Counsel argued that the impugned decision does not call for any interference by this Court. He relied on the following decisions of the Apex Court in *Bhushan Uttam Khare Vs. The Dean, B.J. Medical College and others*, and *Rajendra Prasad Mathur Ors. Vs. Karnataka University and Another*, As mentioned herein above, the relevant records were also produced on behalf of the Respondent authorities.

7. It would be appropriate to deal with the preliminary objections at the threshold. The Petitioner had approached this Court assailing the action of the Respondent authorities in withholding her results of TDC (Final) Part-III Examination 2001 and 2002 and had mainly prayed for an appropriate writ for declaration of the said results. This Court on 13.8.2002 issued notice of motion and directed the Respondent No. 2 to place before the Court the reasons for withholding the results and also the proceedings of the Examination Discipline Committee with regard to the charges levelled against the Petitioner. By a later order dated 10.9.2002, the answer scripts of the Petitioner pertaining to the examinations were also directed to be produced before the Court. Eventually, after hearing both the parties by order dated 11.10.2002, this Court rejected the request made on behalf of the Petitioner to have the matter examined by any other University of the State and/or by a committee of experts and instead directed the Petitioner to appear before the Examination Discipline Committee of the University permitting the authorities to pass such orders as considered appropriate after examining the allegations and affording a personal hearing to her. The writ petition was, however, kept pending. The impugned decision as contained in the notification dated 14.11.2002 was taken thereafter.

As the writ petition had been entertained by this Court and the Examination Discipline Committee had been permitted to verify the correctness of the allegations made against the Petitioner and to take an appropriate decision thereon, I am not inclined to non-suit the Petitioner on the ground of alternative

remedy. As the impugned notification dated 14.11.2002 has been issued during the pendency of the writ petition following the exercise permitted by this Court, I do not consider it to be in the interest of justice to shut out the Petitioner on the ground that the application filed by her in the pending writ proceeding assailing the said decision is not maintainable in law. The preliminary objections raised on behalf of the Respondent authorities therefore fail.

8. It is necessary at this stage to steer clear of one more aspect of the controversy. Though the Petitioner in the writ petition had prayed for an appropriate writ to direct the University authorities to declare her results of the TDC (Final) Part-III Examinations 2001 as well, she after being allowed to appear in the examination in the year 2002 did so, without however, seriously insisting for declaration of her results of 2001 examination. As would transpire from the representation dated 30.7.2002 submitted by the father of the Petitioner before the Vice-Chancellor of the University (Annexure 8 to the writ petition) the Petitioner had reconciled to the situation and took the examination of 2002 anticipating better results. The learned senior Counsel for the Petitioner in course of his arguments though while providing the background of facts had referred to the episode relating to the 2001 examinations, mainly confined his arguments to the developments pertaining to the subsequent examination of the year, 2002. In the above premises, I am of the view that the Petitioner has by her conduct waived her right to insist for any relief in the instant proceeding so far as her results in TDC (Final) Part-III Examination 2001 is concerned.

9. It is now time to turn to the core issue as to whether the Respondent authorities were justified in withholding the results of the Petitioner for TDC (Final) Part-III Examination 2002 and in taking a decision to cancel her said examination and further disqualifying her from appearing in any examination of the University for the years 2003, 2004 and 2005.

Two versions came to the fore. While the Petitioner has asserted that the allegations levelled against her are wholly baseless and that she had answered the questions in all the three loose sheets provided to her by the Invigilator in the examination hall, the stand of the University is that she had resorted to malpractice and had brought one loose sheet bearing serial No. 066978 with answers written thereon. According to them, the Head Examiner on whose report her results were withheld detected this. There is no denying of the fact that the Petitioner had appeared before the Examination Discipline Committee on 12.11.2002 where she reiterated her above stand. The Examination Discipline Committee after a consideration of the materials on record was of the opinion that the charge levelled against her was established. As it appears from the resolution of the Examination Discipline Committee, it took into account the following while coming to its decision.

a) The Head Examiner of Sanskrit had submitted a report that the candidate had smuggled the loose sheet bearing serial No. 066978 in which the answers were written earlier before her entry to the examination hall;

b) In the questioned loose sheet there were 22/23 lines whereas in the other loose sheets and in the main answer script there were only 9/10 lines of writing;

c) The candidate had tried to deface the signature of the Invigilator and the date in the questioned loose sheet;

d) On examination of the answer script, it was found that the candidate had secured much higher marks in the answers written on the incriminating loose sheet which is 68.75% whereas in other two sheets and main answer sheet she had secured only 26.5% excepting the objective part in the answer booklet;

e) In answer to question No 1(e) written on the questioned loose sheet she had secured 8 out of 15 but in case of answer to question No. 1 (c) written on the original sheet she had secured 1 out of 15.

f) Under question No. 3 she was required to define and illustrate three figures of speeches (out of eight choices). The definition and illustration of five figures of speeches occur in the incriminating loose sheet and answer to two figures of speeches were penned through and no question number was indicated by the candidate to the cancelled answers.

10. The committee, therefore, held her guilty of adopting unfair means as contemplated under Clause 4(j) of the Ordinance framed under the Assam University Act, 1989, and recommended that her examination of TDC (Final) Part- III Examination 2002 be cancelled and she be debarred from appearing in any University examination in the next three years under Clause 8(iv) thereof. The impugned notification discloses that the recommendation had been approved by the Vice-Chancellor of the University on 13.11.2002.

11. Before dwelling upon the considerations that weighed with the authorities of the University in taking the impugned decision, it would be profitable to refer to the decisions relied upon by the learned Counsel for the parties in order to delineate the contours of judicial review in such matters.

12. The issue before the Apex Court in *Rajesh Kumar and Anr. (supra)* was whether total similarity in answers given by the candidates was per se indicative of adoption of unfair means. Answering in the negative, it was held therein that the text of a book as the common source of cramming does not establish nexus between the crammers unless there are materials to show that there was copying of answer books or the answers have descended from the answer book of one of the candidates or directly from the book leading to copying by Ors. . Having regard to the allegations levelled against the Petitioner, this decision does not appear to be of any relevance.

13. In *Rajendra Prasad Mathur and Anr. (supra)*, the decision of the Karnataka University not to recognise the first year B. Sc. examination of Rajasthan and Udaipur University as equivalent to the Pre-University Examination of the Pre-University Education Board, Bangalore, was challenged. The Apex Court held that the University is best fitted to decide the equivalence and it would not be right

for the Court to sit in judgment over such decision as the Court does not possess any expertise, in such matters.

14. The decision of the Executive Committee of the University of Pune to cancel the results of revaluation of answer papers and to conduct further revaluation had been questioned in *Bhushap Uttam Khare* (supra). Dealing with the scope of interference in matters relating to orders passed by the authorities of educational institutions, the Apex Court observed that the Court should normally be very slow to pass orders in regard thereto and such matters should normally be left to the decision of the educational authorities.

15. The following excerpts from the celebrated work *Administrative Law* by HWR Wade and CF Forsyth, Eighth Edition on the topics of fair hearing and boundaries of judicial review, as relied upon by the learned senior Counsel for the Respondent look apposite.

The Court often warn themselves against imposing too onerous a duty to give reasons. Thus there are cases in which reasons need not be given even where fairness may appear to require reasons. The Attorney-General need not give reasons for declining to prosecute in any particular case. Reasons do not need to be given for refusals of appointments or promotions or examination failures, or for a reduction of research funds depending upon academic judgment.

The Court will, in any case, be reluctant to enter into "issues of academic or pastoral judgment which the university was equipped to consider the breadth and in depth but on which any judgment of the Courts would be jejune and inappropriate. That undoubtedly included such questions as what mark or class a student ought to be awarded or whether an aegrotat was justified.

16. The consistent judicial opinion, therefore, is that in matters which lie within the jurisdiction of the educational institutions and their authorities, the Court has to be slow and circumspect before interfering with any decision taken by them in connection therewith. Unless a decision is demonstrably illegal, arbitrary and unconscionable, their province and authority should not be encroached upon. This is mainly because of want of judicially manageable standards and necessary expertise to assess, scrutinise and judge the merits and/or demerits of such decisions. It is only, the decision making process which can be examined by this Court in exercise of its power of judicial review and not the decision itself.

17. On a perusal of the application challenging the notification dated 14.11.2002, it is apparent that the Petitioner has not alleged any unfairness in the procedure of the enquiry conducted by the Examination Discipline Committee. Neither the writ petition nor the said application contains any allegation of malafide against any particular authority. No contention relating to unfairness in the enquiry or malafide can, therefore, be entertained.

What, therefore, remains to be " examined is whether the findings recorded, by the Examination Discipline Committee are perverse, absurd and not acceptable

to a man of ordinary prudence being preposterous. The factors taken note of by the Examination Discipline Committee and on which its recommendation is based have already been set out hereinabove. I have perused the records submitted by the University. On a perusal thereof, vis-a-vis, the impugned notification dated 14.11.2002, I am not being able to persuade myself to hold that the conclusions arrived at by the Examination Discipline Committee can be dubbed as unwarranted and outrageous in defiance of logic. The view taken by the Examination Discipline Committee appears to be a plausible one and does not appear to be influenced by any irrelevant or extraneous consideration as such. The decision impugned has been taken following the procedure prescribed by the ordinance and the punishment inflicted is under Clause 8(iv) of the ordinance. It cannot be gainsaid that the allegation levelled against the Petitioner is a serious one and has a vital bearing on the academic discipline of the University which is supposed to be the best judge of the situation to assess the gravity of the misconduct and prescribe a penalty commensurate with the same. In the attending facts and circumstances to interfere with the recommendation of the Examination Discipline Committee would be a retrograde step which may result in a set back to the process of maintaining discipline and probity of the University. Considering the materials on records any approach to uphold the contentions raised on behalf of the Petitioner by resorting to an exercise of weighing the same on golden scales with meticulous sensitivity will not be justified.

18. The Apex Court in *Chairman, J and K State Board of Education Vs. Feyaz Ahmed Malik and Others*, while dealing with the scope of interference in educational matters, inter alia, observed that in matters concerning campus discipline of educational institutions and conduct of examinations, a duty is primarily vested in the authority incharge of the institution in such matters and the Court should try not to substitute its own view in place of the authorities concerned nor thrust its views on them. The Court has, the power to intervene to correct errors in complying with the provisions of the Rules, regulations or notifications and to remedy any manifest injustice being perpetrated on the candidates. No violation of any Rule or procedure prescribed thereby has been brought to the notice of the Court. The finding of the Examination Discipline Committee as already observed does not appear to be absurd and incomprehensible.

19. It would be apt to complete the discussion with an extract from a recent decision of the Apex Court in *Haryana Financial Corporation and Another Vs. Jagdamba Oil Mills and Another*, on the scope of judicial review:

The obligation to act fairly on the part of the administrative authorities was evolved to ensure the Rule of law and to prevent failure of justice. This doctrine is complementary to the principles of natural justice which the quasi-judicial authorities are bound to observe. It is true that the distinction between a quasi-judicial and the administrative action has become thin, as pointed out by this

Court as far back as 1970 in *A.K. Kraipak v. Union of India*. Even so the extent of judicial scrutiny/judicial review in the case of administrative action cannot be larger than in the case of quasi-judicial action. If the High Court cannot sit as an Appellate Authority over the decisions and orders of quasi-judicial authorities, it follows equally that it cannot do so in the case of administrative authorities. In the matter of administrative action, it is well known, more than one choice is available to the administrative authorities, they have a certain amount of discretion available to them. They have "a right to choose between more than one possible course of action on which there is room for reasonable people to hold differing opinions as to which is to be preferred" (as per Lord Diplock in *Secy. Of State for Education and Science v. Metropolitan Borough Council of Tameside*, All ER at p. 695 f). The Court cannot substitute its judgment for the judgment of administrative authorities in such cases. Only when the action of the administrative authority is so unfair or unreasonable that no reasonable person would have taken that action, can the Court intervene.

20. In the light of the above discussion, I am of the considered view that the Petitioner has failed to make out a case justifying interference with the impugned decision of the Respondent University. The petition, therefore, is devoid of merits and is, therefore, dismissed. As the career of a student is involved, before parting with the case, I would like to observe that this decision shall not in any way debar the Petitioner from approaching the appropriate authorities of the University as permissible under the Act, Rules and the Ordinance seeking redress and it will be then open for them to take an appropriate decision in the matter as they may deem fit and proper in the facts and circumstances of the case. There shall be no order as to costs.