

(2024) 07 JH CK 0018
In the Jharkhand High Court
Case No : Writ Petition (C) No.1282 of 2019

Kaushik Das

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 02-07-2024

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2024) 07 JH CK 0018

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Arawind Kumar, Bakshi Vibha

Final Decision : Disposed Of

Judgement

Anil Kumar Choudhary, J

1. Heard the parties.

2. This writ petitioner has been filed under Article 226 of the Constitution of India with a prayer for issuance of writ /order / direction for quashing the letter dated 30.08.2018 issued by the respondent no. 2 – the Deputy Registrar (Exam and Academic) Indian School of Technology (Indian School of Mines) Dhanbad vide memo no. 615001/ M.Tech/2018-19 dated 30.08.2018, copy of which is kept at Annexure 5 to this writ application.

3. The brief fact of the case is that the petitioner was admitted as a student in the year 2013, and got admitted in Indian School of Mines, Dhanbad for two years degree of M.Tech. (Computer Science and Engineering) course. The petitioner deposited Rs. 19,842/-. The petitioner has paid fees of all semesters in the account of the Registrar, Indian School of Mines, Dhanbad dated 16.11.2013, 21.04.2014 and 13.12.2014 through the State Bank of India. The petitioner submitted his thesis in 4th semester and got a certificate for the same and has successfully completed the dissertation but the result of the petitioner has not been published. On petitioner's sending legal notice and reminder, the same was

not replied to by the respondents and ultimately, vide Annexure 5, the petitioner was intimated that the petitioner has to register for 2015-16 academic years, as an Idle semester and to register for 2016-17 and 2017-18 academic years as a regular semester and to pay requisite semester fees as applicable; for declaration of result.

4. It is submitted by the learned counsel for the petitioner that the petitioner is a good student and has paid all fees, hence, it is submitted that the prayer as made in this writ petition be allowed.

5. Learned counsel for the respondents on the other hand vehemently opposes the prayer of the petitioner and submits that in the year 2015, during his final semester, the petitioner was offered a job in Infosys in January 2015 and he left the institute without taking prior approval from the institute and joined Infosys at its Bangalore location and as the petitioner did not attend the class, there was a shortage of his attendance in the 4th semester and he was not allowed to appear for the final thesis presentation of his final semester in 2015 (Academic Year 2014-15). It is further submitted by learned counsel for the respondents that as contended in the counter affidavit, the petitioner submitted an application dated 21.04.2015 for extension of thesis submission to the Dean (Academic) on 22nd April, 2015. Upon acceptance of his request, the petitioner was informed vide letter dated 24.09.2015 to submit his M.Tech. thesis of IV Semester within five years of leaving ISM. The petitioner came to the institute in April 2016 and lied to his project guide and H.O.D. that he has come to complete his registration and thus, he was allowed in good faith to present his dissertation. Later on, when it was checked with the academic session, it was found that the petitioner did not complete his registration formalities and had left again. It has also been contended that the petitioner has obtained a certificate regarding completion of his dissertation dated 12.04.2016 from his department before leaving and without completion of the registration formalities. The petitioner was neither a registered student of the institute at the time nor did the petitioner complete his registration formalities soon thereafter, so his result could not be prepared and published for that semester. The petitioner was informed by his Professor vide e-mails dated 30.04.2016, 13.05.2016 and 16.05.2016 to complete his registration formalities so that his result may be published in time. The petitioner was also informed by the Assistant Registrar (Exam. & Academic) vide letter dated 17.06.2016 and 08.11.2016 to complete his registration formalities but the petitioner did not do so, hence, it is submitted that this writ petition, being without any merit be dismissed.

6. It is submitted by the learned counsel for the petitioner that the petitioner is ready and willing to deposit semester fees as well as the registration fees and to carry out the registration formalities and will submit a representation to the respondent no. 3 to publish his result hence, the respondent no. 3 be directed to publish the result; after the petitioner pays the fees and carries out the registration formalities.

7. Learned counsel for the respondent submits that if the petitioner deposits the semester fees as well as the registration fees and completes the registration formalities by submitting the necessary documents, the respondent no. 3 will publish the said result of the petitioner.

8. Considering the facts and circumstances of this case, this writ petition is disposed of with a liberty to the petitioner to deposit semester fees as well as the registration fees and to carry out the registration formalities and after the same, to submit a representation to the respondent no. 3 to publish his result and the respondent no. 3 is directed to allow the petitioner to deposit the fees and carry out the other formalities of the registration and after the application deposits the said fees and carries out the registration formalities; the respondent no. 3 is directed to ensure the publication of the said result of the petitioner within eight weeks, from the date of receipt of the said representation.

9. This writ petition is disposed of accordingly.