

(2019) 05 DEL CK 0509

In the Delhi High Court

Case No : Civil Writ Petition No. 1229 Of 201

Virender Sharma

APPELLANT

Vs

Rajiv Gandhi Campus & Ors

RESPONDENT

Date of Decision : 09-05-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 05 DEL CK 0509

Hon'ble Judges : C. Hari Shankar, J

Bench : Single Bench

Advocate : Rishlay Sahni, Gyanprakash, Anju Gupta, Roshan Lal Gopel, Siddharth Bansal

Final Decision : Dismissed

Judgement

C. Hari Shankar, J

1. The petitioner was pursuing his Ph.D. Course in Sanskrit with the Rajiv Gandhi Campus (Respondent No.1) of the Rashtriya Sanskrit Sansthan (Respondent No.2 herein and referred to, hereinafter as the "Sansthan"). For this purpose, he had got himself registered with Respondent No. 1 on 25th February, 2015.

2. During the currency of the aforesaid Ph.D. Course, the petitioner cleared the entrance test for the course of Shikshacharya (M.Ed.), to be undertaken in the Jaipur Campus of the Sansthan. In para 3 of the writ petition, it is asserted that "it is a norm with Respondent No.1 as well as Respondent No.2 that a Vidya Varidhi (Ph.D) student may obtain a leave from his Ph.D. and join another regular course, finish the same and then resume his/her Ph.D." Learned counsel for the petitioner, however, candidly acknowledges that there is no such written norm, rule or regulation, but seeks to contend that this was the normal practice which was followed. No evidence of any such "practice", is, however, forthcoming on the record.

3. Consequent to his being selected for the M.Ed. Course in the Jaipur Campus of

the Sansthan, the petitioner wrote to the Principal of Respondent No. 1, on 3rd July, 2014, requesting that he be issued a Transfer Certificate and character certificate, so as to enable him to join the M.Ed. Course. Learned counsel for the petitioner points out that the Sansthan, in fact, issued him a Transfer Certificate, as per his request.

4. Following this, on 4th July, 2014, the petitioner again wrote to Respondent No.1, stating that, for taking admission in the aforesaid M.Ed. Course, he was proceeding on leave till the final examination of the said Course. The petitioner requested that the scholarship amount, for the period 25th February, 2014 to 4th July, 2014, which was due to be paid to him, be disbursed to him expeditiously. The said disbursement, too, took place.

5. After completing his M.Ed. Course in the Jaipur Campus of the Sansthan, the petitioner returned to Respondent No.1, i.e. to the Rajiv Gandhi Campus of the Sansthan, in May, 2005, intending to resume and complete his Ph.D. Course. The writ petition avers that, he, in fact attended classes till July, 2015, whereafter the Respondent No.1 verbally refused to allow him to attend any further classes. This caused the petitioner to address representations, followed by a legal notice, to the Sansthan, resulting in his being verbally informed, in September, 2015, that his name has been struck off from the Ph.D. Course, and that, in this regard, a letter of termination, dated 13th August, 2015, had been issued to him. The said letter, which constitutes the impugned communication in the present case, duly translated, reads thus :

"With the permission and under the order of the Sansthan, you, Virender Sharma, are intimated that, as, while pursuing a regular research course, you undertook another course (Shikshacharya), without permission, you are denied permission to further pursue the Ph.D. Course being undertaken by you."

6. Aggrieved by the said communication, the petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, seeking quashing thereof.

7. A counter affidavit has been filed by Respondent No.1. Annexed, to the said counter affidavit, is the Admission Form of the petitioner, which was filled in, by him, at the time of securing admission to the Ph.D. Course with Respondent No.1. The form contains, immediately above the signature of the petitioner, the following clear declaration:

"Mr./Mrs./Ms here by declare that the information furnished in this form in true of the best of my knowledge and belief. I shall follow the current and future rules of Sansthan. I will not appear in any regular course held by any institution during this course."

(Emphasis supplied)

8. The petitioner infringed of pursuing and appearing in the M.Ed. Examination with the Jaipur Campus of the Sansthan. It is clear that the above extracted

declaration, given by him, to the effect that he would not appear in any regular course held by any institution, during the currency of the Ph.D. Course being undertaken by him.

9. In view of the said infraction, by the petitioner, of the express condition which, inter alia, governed the admission, of the petitioner, to the Ph.D. Course in the Rajiv Gandhi Campus of the Sansthan, I am of the view that the Sansthan cannot be said to have acted illegally in refusing permission to the petitioner to continue pursuing the said Course, in view of the petitioner having elected to pursue the M.Ed. Course with the Jaipur Campus of the Sansthan even while the Ph.D. Course was in progress.

10. The reliance, by the petitioner, on the fact that a Transfer Certificate had been issued to him by the Sansthan, can be of no avail to him, as issuance of a Transfer Certificate to join another course cannot operate as an assurance to the petitioner that he would, thereafter, be permitted to return and continue his Ph.D. Course. Neither, for the same reason, can the disbursal, to the petitioner, of the scholarship amount which was due for the period prior to his leaving Respondent No.1 and joining the Jaipur Campus of the Sansthan, justify permitting the petitioner to continue his Ph.D. Course.

11. This Court is aware of the reality that, while filling up detailed forms, taking admissions to courses, candidates do not, normally, read the fine print that figures on the forms. While, therefore, the Court sympathises with the predicament which the petitioner finds himself, it is powerless, in the facts of this case, to come to the aid of the petitioner. The undertaking contained in the admission form, filled in by the petitioner in his own handwriting and signed, by the petitioner himself, just below the said undertaking, has necessarily to bind him.

12. Resultantly, I regret that it is not possible for me to grant any relief to the petitioner.

13. The writ petition is accordingly dismissed with no order as to costs.