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

+ W.P.(C) 3337/2022 & CM APPLs. 9734/2022, 40035/2022

SHARJEEL USMANI

..... Petitioner

Through: Mr. Tariq Adeeb, Mr. Sadiq Noor and  
Mr. Fazal, Advocates.

versus

JAMIA MILLIA ISLAMIA & ANR.

..... Respondents

Through: Mr. Pritish Sabharwal, Standing  
Counsel with Mr. S. Kumar and Mr.  
Mohit Gupta, Advocates for R-1.  
Mr. Mohd. Nizamuddin Pasha, Mr.  
Yojit Singh and Mr. Aditya  
Samaddar, Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**12.10.2022**

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1. Present petition seeks the following reliefs:

*“a) Pass an order or direction to the respondent no. 1 i.e. the Respondent University to immediately permit the petitioner to appear for the first semester examination for MA in Social Exclusion and Inclusive Policy to be conducted “after 20th of February 2022”.*

*b) For an order directing the Respondent University to consider only convictions in criminal cases as a negative comment on a student’s character and to completely disregard all FIRs filed while considering admission of a student for a course or for an examination.”*

2. On 23<sup>rd</sup> February, 2022, while issuing notice, the Court passed an order. The relevant extract whereof is as under:

“CM APPL. 9734/2022 (interim directions)”

1. The petitioner has approached this Court seeking a direction to the respondent no.1 university to permit him to appear for the first semester examination of MA in Social Exclusion and Inclusive Policy, scheduled to commence from 25.02.2022.

2. Learned counsel for the petitioner submits that the petitioner had earlier been granted a provisional admission as he was not able to furnish a character certificate. However, the said certificate, which was in terms of his undertaking required to be furnished by 15.11.2021 was furnished only on 02.01.2022 after it was received from the respondent no.2 on 27.11.2021. He therefore, contends that that this delay is not attributable to the petitioner and prays that the petitioner be permitted to appear in the examination.

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6. Though learned counsel for the respondent no.1 vehemently opposes the grant of any interim relief, he is not in a position to deny that the admission of the petitioner was never cancelled and therefore, no such notice was ever either issued to him or was put on the web portal of the university.

7. In the light of the aforesaid and the petitioner’s claim that he has been regularly attending online classes being conducted by respondent no.1., grave and irreparable loss will be caused to the petitioner if he is not permitted to appear in the forthcoming semester examination. The respondent no.1 is directed to permit the petitioner to appear for the first semester examination of MA in Social Exclusion and Inclusive Policy commencing from 25.02.2022.

8. Needless to state, this permission would be subject to the outcome of the petition and the petitioner will not be entitled to claim any special equities on this ground.”

3. Subsequently, Petitioner was also permitted to appear in second semester examination subject to meeting eligibility criteria *vide* order dated 11<sup>th</sup> May, 2022.

4. Counsel for Petitioner states that results of afore-said first and second semester examination have been declared, however Petitioner’s name is not reflected, as his result has been withheld.

5. On this aspect, on query of the Court, Mr. Pritish Sabharwal, Standing Counsel for Respondent No. 1-Jamia Millia Islamia [“*JMI*”], points out that directions given by this Court allowing Petitioner to appear for said

examinations were of interim nature. Additionally, he states that character certificate received from Respondent No. 2–Aligarh Muslim University [“AMU”] mentions criminal cases which have been registered against Petitioner.

6. On further query of the Court, Mr. Sabharwal states that there is no provision in ordinance of JMI on the above issue. In any event, character certificate issued to Petitioner only makes a mention of criminal cases, which the Court has been informed, were registered during the time when students were protesting against Citizenship Amendment Bill 2016. Be that as it may, there is no mention of a final decision or any conviction order against Petitioner in respect of any criminal case. Petitioner was detained from appearing in said examinations only on account of delay in furnishing of character certificate. This delay, as explained by counsel for AMU, arose on account of AMU seeking a legal opinion on the issue regarding mentioning of criminal cases in the character certificate.

7. Considering the above, delay in furnishing of character certificate cannot be attributable to Petitioner. For this reason, Petitioner could not have been denied the opportunity of writing the said semester examinations particularly when he had attended classes.

8. Further, in terms of interim order, Petitioner has already appeared in the first and second semester examination. It would be a travesty of justice, if the interim order is not confirmed at this stage.

9. Accordingly, present petition is allowed and interim orders dated 23<sup>rd</sup> February, 2022 is confirmed, and following directions are issued:

(a) JMI shall immediately declare the results of Petitioner in respect of first and second semester examinations; (b) Petitioner’s admission shall be fully

regularised; and (c) accordingly, he shall be permitted to appear in third semester examinations.

10. With above directions, present petition is disposed of, along with pending application(s).

**SANJEEV NARULA, J**

**OCTOBER 12, 2022**

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