

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
LPA No. 301/2025

Ibrar Bashir Shirazi.

... Appellant(s)

Through: Mr. Sheikh Mohammad Fasal, Advocate.

Vs.

University of Kashmir Th. its Registrar.

...Respondent(s)

Through: Mr. S. F. Qadri, Sr. Advocate with
 Mr. Numan Zargar, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
03.06.2026

1. Appellant had filed the writ petition bearing WP (C) No. 3383/2023, for commanding the respondents to provide Gold Medal to him, which had been awarded to him in view of his merit position.
2. The aforesaid relief was claimed by the appellant on the averment that Chapter XI of the Kashmir University Statutes deals with Medals and Prizes, providing that Gold Medals shall be conferred annually at the time of Convocation upon candidates securing the first position in order of merit. The appellant further contended that he was cited to attend the Convocation in the year 2014 for the presentation of the said medal and certificate of merit, which ceremony was presided over by the then Governor of the erstwhile State of J&K, in his capacity as Chancellor of the University. Although the appellant admittedly received the Gold Medal and certificate of merit, he was subsequently constrained to return the

medal on the ground of an asserted shortage of medals for meritorious students, subject to the assurance by the respondent that the same would be restored to him as soon as fresh medals were received.

3. The appellant further claimed that his repeated representations to the respondents for the return of his Gold Medal yielded no result, forcing him to seek redress through the writ petition.
4. The respondent opposed the claim of the appellant, contending that under the relevant University Statutes, no Gold Medal is provided at the postgraduate level in the appellant's discipline, as the Convocation serves exclusively for the conferment of degree certificates upon Ph.D., M.Phil., and MD/MS students. In this regard, Statute X of the University disentitles first-position holders in the MD course from receiving a Gold Medal. The respondent also raised a preliminary objection as to delay and laches, contending that the petition was belatedly filed in the year 2023 regarding a cause of action that allegedly arose in the year 2014. Finally, the respondent categorically denied that any Gold Medal was ever handed over to the appellant.
5. By an order dated September 18, 2025, the learned Writ court dismissed the petition on the ground of 'delay and laches', noting that the appellant was merely invited to receive a certificate of merit, which had already been duly awarded.
6. By way of this intra-court appeal, the appellant challenges the impugned order dated 18th September, 2025, on the principal ground

that the learned Single Judge erred in attributing delay to the appellant, whereas the same arose entirely from the administrative inertia of the respondent-University in not holding a Convocation from 2014 until 2023. The appellant further submits that the notification dated 23rd October, 2023, explicitly mandates the presentation of Gold Medals to all qualifying MD/MS candidates. Consequently, the respondents' reliance on superseded Statutes to defeat the appellant's claim is wholly unsustainable, a vital aspect which the learned Single Judge failed to take into consideration.

7. We have heard learned counsel appearing for the parties and perused the record.
8. According to the narrative initially projected by the appellant, a Convocation was held in the year 2014, wherein he was awarded both a certificate of merit and a Gold Medal; however, the Gold Medal was subsequently retrieved by the respondent under the assurance that it would be restored to him upon the procurement of additional medals by the University. Significantly, in paragraph 8 of the memo of appeal, the appellant has set up an entirely new case, asserting that the first Convocation held after the completion of his course took place in the year 2013. He claims that, by virtue of his merit, he was awarded a certificate of merit dated 13th November, 2013, along with a Gold Medal. He further contends that shortly thereafter, University officials approached him and directed the return of both the certificate and the medal, citing ambiguity as to whether the award was intended for 'overall merit in the MD' or was

specific to his specialty. Acting in good faith and reposing trust in the University administration, the appellant purportedly returned the said documents.

9. Furthermore, in paragraph 9 of the appeal, the appellant asserts that subsequent to the return of the initial certificate, the respondent-University undertook a re-verification and calculation of merit, upon which it was confirmed that the appellant had indeed secured the first position in Doctor of Medicine (MD). Consequently, the University issued a fresh certificate of merit in his favour dated 29th November, 2014, with an explicit assurance that the physical Gold Medal would be conferred upon him at the next Convocation, in line with the University's practice of awarding medals exclusively during convocation ceremonies.

10. Curiously, no such case was ever pleaded in the writ petition. Even in his rejoinder affidavit, the appellant took a divergent stand, stating that during the first convocation, he was provided the certificate of merit dated 13th November, 2013, along with the Gold Medal. He then claimed that post-convocation, he approached the respondents to claim his Gold Medal, only to be asked to return the certificate on the pretext that such certificates and medals are awarded on the basis of overall merit in the MD course, and not for individual specialties falling under the MD umbrella, pursuant to which he surrendered the certificate.

11. A perusal of the record reveals that the appellant has taken vacillating and inconsistent stands at three separate stages of the

litigation. This shifting nomenclature demonstrates that the appellant is unsure of his own case, having lost sight of the true facts owing to the passage of time. The cause of action allegedly arose in the year 2014, yet the Writ petition was filed only after a lapse of nine years, in 2023. Under these circumstances, the learned Single Judge, in the impugned order, correctly concluded that the petition was barred by doctrine of “delay and laches”. It was incumbent upon the appellant to pursue his remedy within a reasonable timeframe. He cannot cite administrative inertia to gloss over an inordinate delay of nine years in approaching the court, especially given that his own vacillating stance reveals an uncertainty about the facts of his case, and the respondent has fundamentally disputed his entitlement to the relief.

12. In case titled “*HMT Ltd. v Smt. Rukmini and others, 2024 INSC 728*”, the Hon’ble Supreme Court of India denied the relief to the litigant on the ground of delay and laches, when the litigant varied his stand time and again. It was held as under :

14. Presently, as noted above, the respondents/writ petitioners repeatedly changed their stands and manoeuvred their position to suit their advantage. HMT Ltd. and the Union of India were initially handicapped and were unable to ascertain the facts and locate files, evidence and material. The Union of India was unable to produce the record relating to the release of Ac. 4-22 Guntas in the year 1953. At one point, the Union of India even supported the respondents/writ petitioners and changed its stance only after relevant facts came to light. HMT Ltd. was, however, able to cull out material to dent the oscillating and innovative stands of the respondents/writ petitioners. **The irrefutable fact remains that the respondents/writ petitioners slept over the matter for decades together which, in itself, indicates lack of merit. They should have, therefore, been prevented from raising issues that were stale and forgotten.**

15. It is in this context that this Court, in *Syed Maqbool Ali v. State of Uttar Pradesh*, observed that an aggrieved person should approach the High Court diligently. Delay in filing a writ petition can result in prejudice, as parties' position and status may change. Courts do, in cases of such delay, insist that the party concerned should have a good and satisfactory explanation for it. It is only on being satisfied that other factors would not outweigh grant of relief, can the weighty objection of delay and laches be rejected. In other words, a Constitutional Court should be convinced that the case warrants exercise of jurisdiction under Article 226 of the Constitution. In *State of Maharashtra v. Digambar*, a 3-Judge Bench of this Court had observed that the grant of relief by a Constitutional Court under Article 226 of the Constitution, without considering blameworthy conduct, such as delay and laches, would be unsustainable even if such relief was granted for the alleged deprivation of a legal right. Discretionary relief, in such circumstances, can only be obtained upon fully satisfying the Court that the delay was justified and explainable.

(emphasis added)

13. We are of the considered view that the appellant has set up conflicting narratives at different stages, having taken vacillating stands before the learned Single Judge as well as before this Court. Given that the appellant is unsure of his own case, his plea lacks the merit required to warrant judicial intervention. The learned writ court, therefore, correctly dismissed the writ petition on the ground of gross delay and laches. Therefore, this appeal is found to be misconceived and is *dismissed*.

(SANJAY PARIHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

SRINAGAR:
03.06.2026
"Ab. Rashid PS"

Whether the judgment/order is speaking; Yes

Whether the judgement/order is reportable; Yes