

KAMLA SHANKAR
v.
THE DIRECTOR OF BOARD OF TECHNICAL EDUCATION,
KANPUR AND ANR.

MARCH 31, 1995

[K. RAMASWAMY AND N. VENKATACHALA, JJ.]

Education Law

Student—Examination—Declaration of Result—Directions Regarding:

Pending writ petition before the High Court the appellant obtained orders from this Court to appear in the 4th year examination of the Diploma Course, but the result was not declared. He sought similar orders as passed by this court on January 12, 1986 in similar circumstances.

Disposing the appeal, this Court

HELD: The respondents are directed to declare the result of the examination. If the appellant passes in the examination, then it would be open to the respondents to grant diploma certificate subject to fulfilment of other conditions, if any. If he does not pass in the examination then he will not be eligible to question the action of the respondents. [112-C, D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4597 of 1995.

From the Judgment and Order dated 22.7.85 of the Allahabad High Court in C.M.W.P. No. 16223 of 1983.

Ms. Sandhya Goswami for M.P. Shorawala for the Appellant.

Ms. Rachna Gupta for R.B. Misra for the Respondents.

The following Order of the Court was delivered:

Leave granted.

Heard both the counsel.

This Court, on January 12, 1986 in similar circumstances, directed the Government to declare the result of the Fourth Year Diploma Course Examination taken by one Ramesh, appellant therein, and it was undertaken by him that if he succeeds in passing the examination, he may be entitled to that benefit and in case he failed, he will not file any Writ Petition in the High Court questioning the result of the examination. The appellant herein also seeks the same relief.

It would appear that pending Writ Petition before High Court the appellant obtained orders to appear for the 4th year examination, but the result has not been declared. If the records are still available after passing the examinations, the respondents are directed to declare the result of the examination. If the appellant passes in the examination, then it would be open to the respondents to grant diploma certificate according to rules and subject to fulfilment, other conditions, if any. If the appellant does not pass in the examination, that is the end of the matter. He shall not be eligible to question the action of the respondents by filing any further writ petition in the High Court.

The appeal is accordingly disposed of. No costs.

Appeal disposed of.