

(1996) 03 KAR CK 0059

In the Karnataka High Court

Case No : Writ Petition No's. 3659 to 3678 of 1996

Anasuya and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 27-03-1996

Acts Referred:

Citation : (1996) ILR (Kar) 3336 : (1996) 6 KarLJ 254

Hon'ble Judges : M.F. Saldanha, J

Bench : Single Bench

Advocate : Veeresh B. Patil, for the Appellant; A.V. Srinivasa Reddy, A.G.A. for R-1, N.K. Patil, for R-3 and P.S. Malipatil, for R-2, for the Respondent

Judgement

M.F. Saldanha, J.—Heard Learned Advocates who represent the petitioners, the University, the Learned Government Advocate and the Learned Advocate who represents the institution. This is a case in which 20 students have been admitted in excess to the B.Ed. course for the academic year 1995-96. As has become customary, under the interim orders these students had appeared for the examination but it is pointed out by the Learned Advocates who represent the Government as also the University that the law is now well settled in so far as there can be no direction to regularise the admissions which are in breach of the regulations. Under the circumstances, the fact that the students concerned have done the examinations will not avail them because their admissions themselves are irregular. Normally, this Court would have been totally disabled from granting any relief in a situation like this. The Division Bench of this Court while allowing Writ Appeal Nos. 1168/93 and 2125/92 on 14.2.96 held that no relief can be granted in situations of this type.

2. There is however one additional aspect of the matter which does impress this Court namely that in all these cases the real culprit is the management who has breached the rules. Though it is often stated that the students are innocent victims, it may be difficult to accept that argument completely because there is good ground to believe that the students are the beneficiaries of what is going

on. However, the fact remains that where the illegality is detected by the authorities that in the end result it is the student who is at the receiving end because the College authorities have collected their money and are least bothered about the fate of the students. This is a classic instance where we are concerned with 20 lady students and under these circumstances for the Court to refuse the relief because they are on the wrong side of the law may not be absolutely justified. The Court will have to mould the relief in relation to the situation and to my mind therefore, it is desirable that the institution which is responsible for the state of affairs be ordered to re-admit these students in the coming academic year and permit them to complete the course without their having to pay any fresh fees for the next academic year. The entire amount of fees paid by the students for the current year will hold good for the next academic year. The authorities shall ensure that no demands under these heads are made from the students as far as the coming year is concerned. To my mind, by following such a procedure, some amount of alleviation of the injustice that is done to the students can be rectified. It is clarified, that these students shall all be adjusted against the management quota for the coming year and that if the number of seats available under the management quota is less than the number of students, that the remaining students shall be treated as supernumerary.

3. With these directions, the Writ Petitions to stand disposed of. No order as to costs.

Learned Government Advocate is permitted to file his memo of appearance within 3 weeks.