

(2000) 12 RAJ CK 0046
In the Rajasthan High Court
Case No : Civil Petition No. 5203 of 2000

Bhupendra Kumar Gupta

APPELLANT

Vs

Director, Secondary Education, Govt. of Rajasthan Bikaner
and Another

RESPONDENT

Date of Decision : 11-12-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 2 RLW 920 : (2001) 1 WLN 651

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Advocate : R.P. Gar, for the Appellant; M.C. Gupta, for the Respondent

Judgement

Hon'ble Misra, J.

(1) The petitioner sought admission into the STC Course by virtue of judgment & decree passed by the trial Court in a suit which had been filed by the petitioner for seeking admission into the STC Course, It is informed to this Court that the appeal preferred by the respondents before the District Judge, Karauli also failed against which the respondents have preferred second appeal. It is further stated that although the respondent-Department of Education could not Service any order of stay in their favour against the admission of the petitioner in the STC Course, they have not declared the result of the petitioner for the STC Course.

(2). Learned counsel for the petitioner Mr. Garg submitted that the question of declaration of result is a fresh cause of action as the petitioner is already a decree holder in regard to his admission against which the respondents could not secure any order of stay as already stated hereinbefore and therefore the appearance of the petitioner in the examination was not by virtue of the order of the Civil Court but as a natural consequence of the judgment and decree, he appeared in the examination.

(3). Inspite of persistant query from the respondents counsel, nothing tangible

could be elicited as to why the result of the petitioner has been withheld except the information that a second appeal of the respondent-Department of Education is pending in this Court. He has however missed that even if the second appeal is pending, no order of stay is operating in favour of the Department of Education so as to withhold the result of the petitioner of the STC Course. If the Department of Education was so anxious not to allow the petitioner from appearing in the examination it could have taken steps to secure the relief in the second appeal by making out prima facie case in favour of the Department. That having not been done, there is absolutely no justification for the respondent not to declare the result of the petitioner.

(4). Hence, the respondents are directed to declare the result of the petitioner for the STC 1st Year Course, which he had taken in the year 2000, expeditiously, but not later than a period of two weeks.

(5). The writ petition accordingly stands allowed. No Costs.