
(2012) 01 RAJ CK 0083

In the Rajasthan High Court

Case No : Civil Writ Petition No. 16757 of 2010

Deepak Kuamr and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 02-01-2012

Acts Referred:

Citation : (2012) 3 WLN 121

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Santosh Srivastava, for the Appellant; S.C. Purohit, Addl. Govt. Counsel for the State, for the Respondent

Judgement

Hon"ble Justice Alok Sharma, J.—At the outset Mr. Purohit has pointed out that the Director Technical Education Jodhpur has issued the letter dt. 5-12-2011 whereby the change of branches of petitioners in their Diploma Courses has been allowed as under:-

Deepak Kumar Jangir Info.Tech to Electrical

Kamlesh Kumar Saini Computer Science to Mechanical

Satyaveer Singh Info.Tech to Mechanical

The facts of the case are that in the year 2010 the petitioners were selected in Diploma Engineering courses Deepak Kumar Jangir and Satyaveer Singh were admitted in Information Technical branch and petitioner Kamlesh Kumar Saini was admitted in Computer Science branch. The petitioners wrote examination of first year in May, 2010 and passed the same with first division.

2. Subsequently, the petitioner applied for change of their branch; Deepak Kumar Jangir from Information Technical to Electrical, Kamlesh Kumar Saini from Computer Science to Mechanical, and Satyaveer Singh from Information Technical to Mechanical. The requisite information for change of branch along with required fee is stated to have been sent to Registrar, Board of Technical

Education, Jodhpur and Regional Institute of Research & Technology, Main branch Sitapura, Jaipur.

3. The case of petitioners is that inspite of having opted for change of branch by the petitioners, and recommendation being made to the Board of Technical Education Jodhpur by the college, they were denied permission to change the branch at the time of examination of Diploma in Engineering II year third semester commencing 20.12.2010. Therefore the petitioners approached this Court.

4. This Court vide order dt. 20.12.2010, directed the respondents to allow the petitioners to appear and write the examination of Diploma in Engineering II year third semester in the respective changed branches. However it was made clear that writing of the examination under orders of the Court would be on provisional basis and result of petitioners not declare by the respondents save with permission of the Court.

5. In terms of the order dt. 20.12.2010, the petitioners wrote the examination of Diploma in Engineering II year (third semester).

6. Subsequently the matter came to be listed on application No.14813 dt. 24.3.2011 with the prayer to direct respondents to provide examination forms and to treat the same within time period. Another application 24157 dt. 13.5.2011 was filed for allowing the petitioners to complete the diploma course of their respective (changed) branches. At the relevant time, since the examination of the IV semester were to commence 31.5.2011, and in case the petitioners were not allowed to appear and write the said IV semester examination in their respective branches they would suffer irreparable loss, this Court in the interest of justice directed the respondents to allow the petitioners to appear in IV semester of Three Year Diploma Course in their respective (changed) branches from the institution where they were undergoing course. However it was again made clear that no equity would arise in favour of the petitioners merely by the interim order, and the result was not to declare without the permission of the Court.

7. Heard learned counsel for the parties, and perused the material available on record of writ petition, as also the letter dt. 05.12.2011 issued by Director, Technical Education Jodhpur.

8. A perusal of the letter dt. 05.12.2011 shows that the issue of change of branches of petitioners is no more an issue to be determined by this Court, as the change of branches of petitioners has been allowed by the respondents.

9. However the result of the examination of III semester and IV semester of the petitioners has not been declared as its permission to write the aforesaid examinations was based on interim orders subject to the outcome of the writ petition.

10. In this view of the matter the only issue which remains for consideration of

this Court is whether the result of examination of petitioners of III semester and IV semester written by the petitioners under the interim orders of this Court is to be declared.

11. Having considered the material available on record and heard counsel for the parties/ I am of the view that the petitioners had applied for change of their respective branches based on their first year performance along with required fees well in time. The delay in completing the formalities by the respondents constrained the petitioners to for approaching this Court, and this Court vide orders dt. 20.12.2010 and 27.5.2011 directed the respondents to allow the petitioners to write examination of Diploma in Engineering course of III semester and IV semester of their respective (changed) branches. Now, in view of the fact that the respondents vide letter dt. 05.12.2011, have allowed the change of respective branches of petitioners as aforesaid, and the petitioners have written examination of III semester and IV Semester of Diploma in Engineering course under the order of this Court, the respondents should declare the results of the petitioners' examination. Any other order would be wholly unequitable and skewed in view of the letter dt. 5-12-2011 by the Director Technical Education Jodhpur allowing changes of branches as sought by the petitioners.

The writ petition stands accordingly disposed of.

Stay application and misc. application also stand disposed of.