

(1887) 05 AHC CK 0003
In the Allahabad High Court
In Re: Dwarka Prasad and Others

Date of Decision : 11-05-1887

Acts Referred:

Citation : (1887) ILR (All) 611

Hon'ble Judges : Tyrrell, J;Straight, J;Mahmood, J;John Edge, J;Brodhurst, J

Bench : Full Bench

Judgement

Straight, J.—What do you want us to do?

2. To direct the revision of the list of successful candidates, and the admission of those who have qualified themselves for a pass certificate according to the old standard.

Mahmood, J.

3. How can we do anything of the kind? As I understand, this Court has delegated many of its powers in reference to the admission and qualification of pleaders to the Board of Examiners. See Section 8 of the Letters Patent and Sections 6 and 7 of the Legal Practitioners Act (XVIII of 1879).

John Edge, Kt., C.J.

4. Do you contend that this Court could not delegate these powers to the Board of Examiners?

5. No.

John Edge, Kt., C.J.

6. Then do you say that the Board, in the exercise of the powers so delegated, has acted illegally?

7. Not illegally, but irregularly and improperly, in raising the standard in the way that it did. It was unfair to raise the standard without giving notice. If such notice had been given, many of the candidates would not have incurred the expense and trouble of preparing themselves and competing. The case of

Sukhnandan Lal I. L. R. All. 163 seems to imply that the Court has jurisdiction to interfere if it thinks proper.

John Edge, Kt., C.J.

8. If the Board should act illegally, the Court might have power to interfere. But you admit that it has not so acted, and ask us to interfere with the legal exercise of its discretion.

Edge, C. J., Brodhurst, Tyrrell and Mahmood, JJ.

9. This is an application do the Judges of the High Court to interfere with the discretion which was exercised by the Examination Board in the late examination of the candidates of the Upper Subordinate Grade. The High Court had delegated its power to the Board of Examiners, which the Court was authorized by law to do, and it appears to us that the Board has exercised its discretion properly, legally, and for the benefit of the public. In our opinion there is no cause for the Court to interfere in the matter.

Straight, J.

10. I prefer to express no opinion one way or the other, being the President of the Examination Board.