

(2008) 12 AHC CK 0168
In the Allahabad High Court

Kumari Parul

APPELLANT

Vs

Lucknow University and another

RESPONDENT

Date of Decision : 01-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0168

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Disposed Of

Judgement

Rajiv Sharma, J.

Heard Sri Sanjay Misra, learned counsel for the petitioner and Sri Kuldip Pati Tripathi, learned counsel for the University.

With the consent of learned counsel for the parties, the writ petition is being disposed of finally at the admission stage itself.

It has been contended by the petitioner's counsel that the petitioner is pursuing M. A. (Home Science). On account of financial constraints in the family, she could not deposit the fee within the period prescribed by the University. On account of nondeposition of the fee, the petitioner is not being allowed to participate in the examinations, which are going to start from 3.12.2008. According to the petitioner's counsel, denial of appearing in the examination will adversely affect the future career of the student..

On the other hand, learned Counsel appearing on behalf of the University has submitted that the last date for deposit of fee was 30.9.2008, which was extended from time to time and lastly, it was extended upto 10.11.2008 and thereafter upto 17.11.2008 with late fees. He has submitted that the petitioner deliberately had not deposited the fee and there was no financial constraints in the family. He has further submitted that examinations are going to commence from 2.12.2008 and as such, it is not practically possible for the University authorities to arrange question papers, sitting arrangements for these students and there is no explanation as to why they approached this Court too late.

Keeping the interest of the students, whose future carrier will be adversely affected and considering the peculiar facts and circumstances of the case, it is provided that in case the petitioner deposits late fees as notified by the University while extending the period of depositing the fee along with late fee by tomorrow, the University authorities are directed to accept the same and if the petitioner is otherwise eligible for appearing in the examinations, admit card shall be issued to her. In case the authorities of the University feels some difficulties in allocating seats to the petitioner in the examination, it will be open for the University authorities to make appropriate arrangement for her in one room.

It is directed that University shall make necessary arrangement for accepting the fees by the petitioner today or by tomorrow.

The University counsel, in whose presence, this order has been passed shall inform the Registrar of the University immediately for its compliance.

It is made clear that the aforesaid order has been passed in peculiar facts and exceptional circumstances of the case and shall not be a precedent. Further, this Court has not entered into the merits of the case.

With these observations and directions, the writ petition is disposed of finally.