
(2002) 09 AHC CK 0242
In the Allahabad High Court
Case No : C.M.W.P. No. 24994 of 1999

Manoj Kumar Dwivedi and Others	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 06-09-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 5 AWC 3591

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : N.C. Tripathi and S.K. Srivastava, for the Appellant;

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—The Petitioners, by means of present writ petition under Article 226 of the Constitution of India, have prayed for the following reliefs, which are as below:

"(i) Issue a writ, order or direction in the nature of certiorari for quashing of the part of advertisement so far it stipulates of having necessary B. Ed. or C.P. Ed. degree as a regular candidate from the colleges or universities run by U.P. State only.

(ii) Issue a writ, order or direction in the nature of certiorari for quashing the merit list prepared by Respondents with the further direction to prepare a fresh merit list of selection.

(iii) Issue any other writ, order or direction which this Hon"ble Court may deem fit and proper under the circumstances of the case.

(iv) Award cost of the petition in favour of the Petitioners .

2. This Court vide its order dated 16.6.1999, passed the following interim order:

Learned standing counsel has accepted notice on behalf of Respondents. He

prays for and is allowed two months time to file counter-affidavit.

List this petition in third week of September, 1999.

The Petitioner has applied for joining the course of B.T.C. The course commenced from 1st June, 1999. In the fitness of things, I direct the Respondents to provisionally permit the Petitioners to join the course. This, however, will not create any right in favour of the Petitioners and the same will be subject to the result of the writ petition.

Dated: 16.6.1999.

Sd. V. M. Sahai, J.

3. Learned counsel appearing on behalf of the petitioners stated that armed with the aforesaid order, the petitioners approached the institution concerned but they were not permitted to join the course.

4. Be that as it may, the fact remains that the petitioners have not joined the course, though it was open to them to file a contempt petition before this Court, but they have chosen not to file the same. The course, which was commenced from 1st June, 1999, admittedly has come to an end. In this view of the matter, today the petitioners cannot be permitted to join the course, which is already over. Therefore, the writ petition has no merits and is accordingly dismissed.

5. In view of what has been stated above, this writ petition is dismissed. The interim order, if any, stands vacated. However, the parties shall bear their own costs.