
(1995) 04 AHC CK 0052

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 2283 of 1995,

Narendra Kumar and others

APPELLANT

Vs

Kanpur University, Kanpur and others

RESPONDENT

Date of Decision : 10-04-1995

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : AIR 1996 All 7

Hon'ble Judges : N.L. Ganguly, J

Bench : Single Bench

Advocate : Pankaj Mithal and Ashish Kumar Srivastava, for the Appellant; V.C. Tripathi and R.D. Srivastava, Standing Counsels, for the Respondent

Final Decision : Allowed

Judgement

1. In this writ petition, the petitioners claim that they were admitted in B.Sc. (Ag. Part I) examination which was conducted by the Kanpur University from Kulbhaskar Ashram Degree College, Allahabad. After examination, the result of all other students appeared was declared and it was revealed that the names of the petitioner were not there in the list of successful candidates. On enquiry it was revealed that the petitioners' result was not declared and was withheld. It has been said that the petitioners had appeared in the examination of B.Sc. (Ag. Part I) after submitting their application for examination and deposited the examination fee appeared in the examination along with the other students. There was no justification for withholding the result of the petitioners since there was no complaint of use of any unfair means.

2. Counter and rejoinder affidavits have been exchanged by the parties. In para 5 of the counter-affidavit, it has been stated by the respondents that the petitioners were not duly admitted in Kulbhaskar Ashram Degree College, Allahabad after the admission test which was conducted by the Principal, Janta College, Bakewar, Etawah, who was the convener of the said entrance examination. It has been said that the petitioners' names were not mentioned in

the list of successful candidates of Kulbhaskar Ashram Degree College, Allahabad, as such they were not entitled to be admitted and their admissions were irregular and they could not be permitted to appear in the examination and their results be declared.

3. It is not disputed that before taking such a serious action against the petitioners, no notice or opportunity was given to the petitioners that they are going to be withheld and their entire exercise for appearing in B.Sc. (Ag.) was going to be cancelled by the authorities. There is no doubt about it that the action taken by the respondents was against the rule of natural justice cannot be allowed to stand. It is not disputed that the petitioners were intermediate passed and their mark-sheet has been annexed with the writ petition. It is not disputed that they are eligible to be admitted in B.Sc. (Ag). That be so, the petitioners cannot be made to suffer because of some irregularity at the end of the authority conducting the entrance examination.

4. The writ petition is allowed. It is directed that the respondents Nos. 1 and 2 shall declare the results of the petitioners within a period of three weeks from the date of filing of a certified copy of this order before them. The petitioners, if declared to be successful in B.Sc. (Ag. Part 1), shall be entitled for admission to B.Sc. (Ag. II).

5. Petition allowed.