
(2010) 01 RAJ CK 0076
In the Rajasthan High Court

Paras Kumar Mandhniya

APPELLANT

Vs

M.D.S. University and Another

RESPONDENT

Date of Decision : 06-01-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 1 RLW 717 : (2010) 2 WLN 304

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Judgement

Mahesh Chandra Sharma, J.—Heard learned Counsel for the parties.

2. The petitioner has moved this writ petition under Article 226 of the Constitution of India seeking direction to the respondents to issue mark sheet of PGDCA Examination which the petitioner has passed and for returning the original documents of the petitioner.

3. Brief facts of the case that the petitioner passed his class 10th examination in the first division in the year 1995 and thereafter passed his class 12th examination in the year 1997. Thereafter the petition got admission in B.Com in the University of Calcutta and appeared in the examination for the graduation degree course. The mark sheet of first year examination in the University of Calcutta are not issued and the mark sheets are issued only after a candidate clears Part II examination. The petitioner cleared the said examination from the aforesaid university. After completion of graduation examination, the petitioner got admission in the Post Graduate Diploma in Computer Applications (for short, hereinafter referred to as " PGDCA") in Kuchaman College, Kuchaman City, under the Maharishi Dayanand University, Ajmer. The petitioner paid the requisite fees of Rs. 12,000/- for admission in PGDCA course and Rs. 100/- as registration fees, so also the petitioner paid the examination fees etc. with the Kuchaman College.

4. The petitioner appeared in the examination and secured 706 marks out of

1000, however, the respondents have not issued the mark sheet of the same and also not returned the original documents of the petitioner, however, the original documents of the petitioner were given by the Court's order.

5. Mr. Pankaj Sharma, learned Counsel for the petitioner in support of contention placed reliance on the judgement reported in Shri Krishnan Vs. The Kurukshetra University, Kurukshetra, and prayed that the respondents be directed to issue mark sheet of PGDCA Examination to the petitioner.

6. On the other hand, Mr. Mukesh Rajpurohit, learned Counsel for the respondents has strongly opposed the arguments advanced by learned Counsel for the petitioner.

7. I have given my anxious consideration to the rival submissions made by the learned Counsel for the parties, and in the interest of justice, I allow this writ petition. The respondent No. 1 is directed to issue the mark sheet of the petitioner for the PGDCA examination within three days from the date of receipt of certified copy of this order. However, so far as the prayer for returning the original documents to the petitioner is concerned, the same have been returned to the petitioner by the Courts order, therefore, no need to pass any order now.

8. Parties will bear their own costs.