
(1993) 09 AHC CK 0021

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 11496 of 1993

Shekh Shamsad Alam

APPELLANT

Vs

Shekh Shamsad Alam and Others

RESPONDENT

Date of Decision : 15-09-1993

Acts Referred:

Citation : (1994) 1 AWC 217

Hon'ble Judges : R.A. Sharma, J

Bench : Single Bench

Advocate : Rama Nand Pandey, for the Appellant; V.K. Bist, for the Respondent

Final Decision : Allowed

Judgement

R.A. Sharnia, J.—Petitioner, who was a student of B. A. IIIrd year in Ewing Christian Degree College, Allahabad, appeared (sic) the IIIrd year examination of B.A. of 1992 but "his result was not declared. In paragraph-6 of the counter affidavit, it has been stated that the answer book of the Petitioner of English first paper is - in the custody of police Station, Kydganj on account of which the unfairmeans Committee could not consider his case with the result, his result of B.A. IIIrd year could not be declared so far. It has further been stated in paragraph-7 of the counter affidavit that the examination committee of the University has allowed all such candidates including the Petitioner to appear in the same class in the forthcoming (1993) examination. In pursuance thereof the Petitioner had appeared in B.A. IIIrd year examination in 1993 but his result of this year has also not been declared so far due to the fact that the Police has not returned his answer book of 1992 examination to Unfairmeans Committee on account of which the Unfairmeans Committee is unable to take any decision. Petitioner has accordingly filed this writ petition for writ of mandamus directing the Respondents to declare his result of B.A. IIIrd year.

2. I have heard learned counsel for the Petitioner and Shri V. K. Bist, learned counsel appearing for the University

3. If the student is found using unfairmeans in the examination hall he is liable to be punished in accordance with principles of natural justice but it is incumbent on the University Authorities to take decision expeditiously and it is not open to them to keep the matter pending for indefinite period. In the instant case it was the duty of the University authorities to summon the file from the Police station and get it scrutinized examined by the unfairmeans Committee and pass appropriate order but they just can not sleep over the matter and allow the student to suffer for indefinite period on account of their in-action. There has been undue delay on the part of the University authorities in taking any decision for which there is no reasonable explanation submitted by them before this Court. As the Petitioner has been permitted to appear in the B.A. IIIrd year's examination of 1993 there is no justification for the University authorities to withhold the result of this examination. It is admitted that there is no case against the Petitioner for using unfairmeans in the examination of 1993. Under the circumstances it is expedient that his result of B.A. IIIrd year of 1993 should be declared.

4. As far as the result of B.A. IIIrd year of 1992 is concerned, the University authorities had not taken any decision so far although more than one year has passed. As mentioned hereinbefore even the answer books of the Petitioner has not been received back from the Police Station. It is a case of gross negligence on the part of the authorities. As the Petitioner has been permitted by the University to appear again in the same examination of 1993, there is no justification now to keep the dispute relating to 1992 examination pending. In view of the facts and circumstances of the case the proceedings against the Petitioner regarding B.A. IIIrd year of 1992 examination should be treated to have been dropped and closed. No further action should be taken in this connection by the yniversity Authorities.

5. For the reasons given above this writ petition is allowed with costs. The Respondents are directed to declare the result of the petitioner's B.A. IIIrd year examination of 1993 within a period of one month "from the date of presentation of a certified copy of this order before the Registrar of University of Allahabad.