
(2000) 07 RAJ CK 0104
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4942 of 1996

Smt. Kamlesh Kumari

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 12-07-2000

Acts Referred:

Citation : (2000) 4 RLW 646 : (2000) 4 RLW 166 : (2000) 4 WLC 496 : (2001) 1 WLN 544

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Gyan Sudha Misra, J.—The petitioner was initially denied admission into the Basic-Education Training Course in the year 1992 due to which she filed a civil suit bearing No. 30/1992 in the Court of Civil Judge Khetari. The admission has been denied on the ground of some technical flaw in her domicile certificate which could be rectified later, yet the same was not accepted as correct. The petitioner, therefore, filed a civil suit and by virtue of an interim order granted on her application for injunction, she was provisionally granted admission into the Course. Subsequently she thought it proper to withdraw the suit since she was allowed to continue with the B.S.T.C. course and she thereafter also appeared in the examination held for the first year course. The result however, of her first year Course was not declared on account of pendency of the suit and also on account of the fact that the controversy was yet to be settled in the suit as the same and not been decreed. In the meantime, the petitioner also appeared in the second year B.S.T.C. course by virtue of the order passed by the trial Court and thereafter she joined the second year of the B.S.T.C. Course and was allowed to appear in the examination for the second year. However, this time the result of the petitioner for the second year Course was not declared as the suit had not been finally decided. Thereafter the petitioner withdrew the suit from the trial Court on 27th January 1996 and thought it proper to file a writ petition for

redressal of her grievance as she expected speedy relief in the writ petition.

2. An objection however, was raised on behalf of the respondent-State that the suit having been withdrawn premature, the relief sought by the petitioner should not be granted by the Court as the suit had been withdrawn half way, as already stated hereinbefore. In normal circumstances this plea perhaps would have had sufficient force but looking into the facts and circumstances that the case relates to a student who was denied admission only on account of a technical flaw in her domicile certificate which she later rectified, provisional admission was also granted to her and thereafter she was allowed to complete the first year B.S.T.C. Course by virtue of an interim order granted on her application for injunction, it is appropriate and in the interest of equity and justice in my view not to allow the parties to drag on the litigation further as no purpose or cause of justice would be served by keeping it hanging merely to decide this technical plea which is not going to serve the cause of justice for either party. It was therefore, thought proper to direct the respondents to produce the result of the petitioner for the second year B.S.T.C. Course which she had taken in the year 1995 but the result was not declared for the reasons stated hereinbefore. In compliance of the order of this Court the Department of Education has now produced the result of the respondents but in the letter of the District Education Officer it is pleaded that the result should not be declared publicly. However, I do not consider it appropriate to accept this plea as no purpose would be served by keeping the result secret. Moreover the petitioner has also completed the Course and there had been no serious lacuna in the way of the petitioner to deny admission in the B.S.T.C. Course. Under the circumstances, if the result is allowed to be declared, no prejudice is going to be caused to the respondents in any manner. The result produced in the sealed cover discloses that the petitioner has passed in First Division. Her result thereafter be sent by the respondents forthwith for declaring it formally. The writ petition thus stands disposed of without adjudicating as to whether the writ petition should have been entertained when the suit was withdrawn without getting the desired relief by the petitioner. This question if need arises can be raised in a more appropriate case but certainly not in the instant one. The writ petition thus stands allowed and disposed but without any order as to Costs.