

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.10738-10739/2001

(From the judgement and order dated 22/06/2001 in WPs. 1231 and 1313 of 2001 of The HIGH COURT OF BOMBAY)

MAHARASHTRA STATE SEC.& HIGHER SEC.BOARD

Petitioner (s)

VERSUS

PASHMEEN N. GHAI & ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)

Date : 25/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. T.R. Andhyarujina, Sr. adv.
Mr. Santosh Paul, adv.
Mr. Ranjan K. Pandey, adv.
Mr. Ranjan Kumar, adv.
Mr. Sharad Abhayankar, adv.
Mr. Deepa Chawan, adv.
Mr. M.J.Paul, adv.

For Respondent No.1 Mr. R.F. Nariman, Sr. adv.
In SLP 10738/2001 Mr. Chirag M. Shroff, adv.
Mr. M.N. Shroff, adv.

For Respondent No.1 Mr. Uday Umesh Lalit, adv.~
In SLP 10739/2001

UPON hearing counsel the Court made the following
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We have heard Mr. Andhyarujina, learned senior counsel for the petitioner - Board and M/s. R.F. Nariman, and Lalit, learned counsel appearing for the respondents.

In matters pertaining to discipline in educational institutions in particular and other educational matters in ...2..

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general, the High Court must exercise its power of judicial review with caution and interfere only in exceptional cases which are clearly made out. The High Court in the present

case appears to have overlooked this salutary principle. Indeed, the rule which was breached by the respondents had a salutary purpose to achieve and such rule is required to be respected by compliance and not by breach. We do not agree with the approach and reasoning adopted by the High Court in the impugned judgment. However, looking to the consequences which the setting aside of the judgment and order of the High Court may entail on the career of two respondents - both brilliant students - whose innocence while committing breach of the rule is not disputed, we are not inclined to invoke our discretionary jurisdiction under Article 136 of the Constitution.

We, however, wish to emphasise that the judgment of the High Court under challenge before us shall be considered as confined only to the peculiar facts of the present case and not laying down any law in general terms.

Leave to appeal is refused. The special leave petitions are, therefore, dismissed.

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(Neena Verma)
Court Master

(Prem Prakash)
Court Master