

ITEM NO.MM  
(By Notice)

COURT NO.2

SECTION XIV

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)...../2010  
(CC 8658/2010)  
(From the judgement and order dated 19/05/2010 in CM No. 6706/2010  
in WP No. 2275/2010 of The HIGH COURT OF DELHI AT N. DELHI)

CHE TAN UPADHYAYA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to file SLP)

Date: 25/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C.K. PRASAD  
(VACATION BENCH)

For Petitioner(s) Mr. Ajay Kumar, Adv.

For Respondent(s) Mr.R.Venkataramani, Sr.Adv.  
Mr. Nikilesh Ramachandran, Adv.  
Mr.A.Pandey, Adv.  
Mr.S.Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The petitioner, who claims to be a journalist and Secretary of Satya Foundation, a Registered Society has, without any tangible interest in the examination conducted by respondent Nos. 2 and 3 for admission to IITs' filed this petition under Article 136 of the Constitution for setting aside order dated 19.5.2010 passed by the Division Bench of Delhi High Court in C.M. No. 6706/2010 in Writ Petition (C) No. 2275/2010 Dr. Rajiv Kumar v. Union of India and others refusing to stay the declaration of

2

result of IIT Joint Entrance Examination conducted on 11.4.2010.

We have heard Mr. Ajay Kumar, learned counsel appearing on behalf of the petitioner for about 20 minutes and perused the record. In our view, the petitioner does not have the locus standi to question the legality and correctness of the order passed by the High Court because he has miserably failed to show any tangible interest in the joint entrance test conducted

by

respondent Nos. 2 and 3. The petitioner's position in relation to the examination conducted by respondent Nos. 2 and 3 is nothing more than that of a busybody-bystander and meddlesome interloper, who has moved the Court for gaining publicity. That apart, it is extremely difficult, if not impossible, to fathom gravity of adverse consequences of staying the declaration of result of an examination in which four lakhs students are said to have appeared. In such matters, no court could pass an order of injunction/stay ignoring the magnitude of injury which may be suffered by the young students who are aspiring to join IIT and similar other courses. Even if, in a given case, the petitioner

is able to demonstrate that he has some legitimate grievance in the matter of conduct of examination or the question papers, the court is duty bound to keep in mind that the elements like the balance of convenience, irreparable injury and above all public interest are clearly against injuncting the declaration of result.

Therefore, we do not see any valid ground to entertain his prayer

for staying the declaration of result of the joint entrance examination and that too by ignoring the well reasoned order

3

passed by the Division Bench of Delhi High Court which, as mentioned above, refused to stay the declaration of result.

For the reasons stated above, the special leave petition is dismissed.

Ordinarily, we would have saddled the petitioner with exemplary cost of more than five figures but keeping in view the fact that he is a young man and seems to be misguided in filing this type of litigation in the name of public interest, we refrain from imposing cost. At the same time, we hope and trust that the learned counsel representing the petitioner will be more discreet in future and avoid filing of such type of litigation, disposal of

which has consumed substantial time of the Court which could have been utilized for deciding other cases.

As a sequel to dismissal of the special leave petition, the application filed by the petitioner for permission to file special leave petition is also dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master