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C.A.No. 8883-8884 OF 1997

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ITEM NO. 102

COURT NO.7

SECTION XVIA

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.8883-8884/1997

Pratiksha & Ors. .. Appellants

Vs.

State of J & K & Ors. .. Respondents

With

C.A. No. 752/1998, C.A. No.267/1999

DATE : 24.8.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. H.K. Puri, Adv.
Mr. S.K. Puri, Adv.
Mr. Rajesh Srivastava, Adv.
Mr. Ujjwal Banerjee, Adv.
Mr. Harpreet Singh Sandhu, Adv.

Mr. K.V. Mohan, Adv.

For Respondent (s) : Mr. K.L. Taneja, Adv.(NP)

Mr. T.N.Singh, Adv. (NP)

Mr. Anis Suhrawardy, Adv.

UPON hearing counsel the Court made the following

O R D E R

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The appeals are partly allowed to the extent as stated in the signed order.

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Charanjit

(Om Prakash)
Court Master

[Signed order is placed on the file]

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Pratiksha & Ors. .. Appellants

Vs.

State of J & K & Ors. .. Respondents

With C.A. No. 752/1998, C.A. 267/1999

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The learned Single Judge of the High Court acting Suo-Moto took note of different advertisements issued by several Institutions and gave certain directions including the one that the Board of Technical Education and the universities in the State of Jammu & Kashmir shall not conduct examination of the candidates who had not been selected in accordance with the Scheme laid down by this Court in Unnikrishnan J.P. & Ors. Vs. State of@@
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Andhra Pradesh & Ors. - 1993 (1) SCC 645. Pursuant to@@
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that order, certain steps were taken by the Government as a result of which the students of the institution were not allowed to appear in the examination. They therefore filed a writ petition challenging the order of the Secretary, Board of Technical Education. Ultimately, the learned Single Judge dismissed the writ petition. The matter was carried in appeal unsuccessfully. Hence these appeals by special leave.

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This Court granted leave and stayed the order made by the High Court in the writ proceedings as a result of which the students in these institutions have continued in their courses of studies. Inasmuch as these appeals are filed by those students who have already completed their courses of studies and have appeared in the examination, their interest is only to the extent of declaration of their results.

In the circumstances, we are of the opinion that when the students have already appeared in the examination, their result will have to be declared and whatever benefits flow from it, will have to be extended to them. It is not necessary to examine other questions that have been raised in these matters. Those questions are left open. The appeals are partly allowed to the extent as stated above.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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August 30, 2001 @@
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