

Anoop Kumar and 25 ors. Vs. the State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Aug-20-1980

Reported in : 1980WLN(UC)362

Judge : G.M. Lodha, J.

Appeal No. : S.B. Civil Writ Petition No. 509 of 1980

Appellant : Anoop Kumar and 25 ors.

Respondent : The State of Rajasthan and ors.

Disposition : Petition dismissed

Judgement :

G.M. Lodha, J.

1. These 26 writ petitions have been filed by students who are not allowed to study in diploma course at Polytechnic Institute Government of Rajasthan, Jodhpur. The petitioner made the following prayer in their writ petitions.

It is therefore prayed that by an appropriate writ order or direction the operation of the order Annexure 4 dated 14-8-78 15-8-78 14-8-78 15-8-78 may be stayed and the respondents may be directed to allow the petitioner to continue his study in the Diploma court to which he was granted admission and for this purpose the order concerned may be quashed. Any other appropriate writ, order or direction which

may be deemed just and proper in the circumstances of the case may be passed in favour of the petitioner. Costs of the writ petition may be allowed to the petitioner.

2. Since all the 26 writ petitions raise common questions of law, the same are being decided by one common order.

3. In the year 1978, admissions to the Polytechnic Institute were regulated by Rule 3 (ga) of the Handbook. The petitioners have passed higher secondary examination and were eligible for being admitted to this institute. They applied for the same and were called for interview and they reported on different date in August 1978. The date of admission was changed from August 11, 1978 to August 14, 1978. The process of admission started at 8.00 a.m. in the main hall of the Polytechnic Jodhpur. The students were called and after scrutiny of the certificates, 135 candidates who were present there with all the requisites for admission, were granted admission. The petitioners were also amongst those 135 candidates being the last 28 candidates. They deposited the fees also.

4. On August 16, 1978, the petitioners went to the Polytechnic to attend the classes, at that time, a notice was put on the notice board wherein it was stated that admissions have not been granted to 27 students and they should withdraw their fees. A communication was sent and this communication, is (Ex. 4) on the record and reads as under:

vkidks fMlyksek izFke o'kZ es izos'k nsuk laHko ugh gks ldk gS A14&8&78 dks izos'k ds laca/k es vkids }kjk nh xbZ /kujkf'k vki fdLh Hkh fnu dk;kZy; ds le; es ys ldrs gS A

The case of the petitioners is that after granting admission, and after receiving fees in pursuance of admission, the college authorities were not competent and authorised to cancel the same without giving them notice mentioning the reasons for the cancellation. The petitioners have termed this action as without authority of law and arbitrary and liable to be quashed.

5. On August 28, 1978 this court passed the following stay order,.Upon consideration of all the facts and the circumstances of this case, I feel persuaded to stay the operation of the order Annx. 4 dated 14/15 8 1978 passed by the respondents No. 3 and further direct the respondents to allow the petitioner to attend the classes of 1st year Diploma Course of the polytechnic till the decision of the writ petition....

The writ petitions were to be listed in the month of October, 1978 but it appears that for some reason or the other, it was not possible to hear them.

6. In the meanwhile, important developments had taken place according to which, the case assumed different dimensions now. Mr. H N Galls, learned Additional Government Advocate has informed the court that out of these 26 students, except Ranjeetsingh Subodh Lakhani Pal and Himmatsingh Gehlot, all other have not only completed the studies in the first year but have further passed the examinations and completed their studies in second year also. They have also appeared in the second year examinations and the respondents are permitting them to continue their studies as regular students of the Diploma Course. In view of this, Mr. Calla, submitted that no farther direction is necessary and the adjudication of the controversy initially involved, in the cases result has become academic only.

7. On a careful consideration of the facts and circumstances of the case I am of the opinion that the respondents themselves, by not withholding of the results for first year, have regulated the admission of all these petitioners in the Diploma Courses from 1978 More over, they have not only allowed them to appear in examinations but have permitted them to study in second year and further allowed them to appear in the second year examinations, without any riders and conditions. I am therefore, in agreement with the view expressed by Mr. Calla that the respondents, for all intents and purposes, have admitted the 26 petitioner in the Polytechnic classes and are treating them as regular students The other two students Ranjeetsingh and Subodh Lakhani Pal having failed in first year, are now ex-students and they also fall in the same category where their admissions have been regularised. Himmatsingh petitioner in writ petition No 652 of 1978 has left the Polytechnic College, and since he has left the college voluntarily in the midst of

sessions, he is no more in studies at all.

8. In view of the above, all these 26 writ petitions in which the object of the petitioners is to obtain admission and continue studies in the Polytechnic institution of the Government of Rajasthan at jodhpur having been achieved and the relief obtained, have now become infructuous by the events mentioned above. The learned Additional Government Advocate has made it clear that since they have already been allowed to appear in second year examination, after completing studies, in first year and second year, the respondents would further not create any impediments in petitioners completion of the three year diploma course of the Polytechnic.

9. In view of the above, all these writ petitions have become infructuous and with the above observations, they are dismissed. No order as to costs.

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