

**SUPREME COURT OF INDIA**

Gujarat University Navrangpura

Vs.

Shyamkumar Jivandas

C.A.No.1491 of 1968

(H. R. Khanna and P. K. Goswami, JJ.)

17.03.1976

**JUDGEMENT**

**KHANNA, J.:-**

1. This is an appeal by special leave by the Gujarat University against the judgment of the Gujarat High Court, whereby the University was restrained from giving effect to the appointment of M. Majumdar, respondent No. 2, as the Reader in the Labour Welfare Department of the University in pursuance of a resolution of the Syndicate, Annexure 'A', and letter, Annexure 'B'. That resolution and letter were held to be invalid.

2. At the hearing of the appeal it has been brought to our notice that Majumdar respondent is no longer Reader in the Labour Welfare Department and that he has since been appointed a Professor in the University and confirmed as such. It is plain that in view of that the present appeal has become infructuous. At the same time, we would like to make it clear that we express no opinion with regard to the validity of the proceedings of the Academic Council whereby a member of the selection committee was appointed. We also express no opinion about the correctness of the

judgment of the High Court regarding the validity of the resolution at Annexure 'A' and the letter of appointment at Annexure 'B'.

3. It has been also brought to our notice that in pursuance of the letter of appointment, Majumdar respondent performed the functions of the Reader in the Labour Welfare Department for some time. Mr. Lalit, learned counsel for Shyam Kumar Jiwandas contesting respondent states that in view of the subsequent developments he has no objection to the validity of the act of Majumdar respondent in functioning during the above period as Reader in the Labour Welfare Department. We order accordingly. The appeal is consequently dismissed as having become infructuous. There will be no order as to costs.

Appeal dismissed.