

Shri Ramesh Kumar and Others

Vs

Technological Institute of Textiles and Others

Writ Petitions Nos. 5252-53, 5365 of 1980; 39 of 1981 and 6479 of 1980

(A.D. Koshal, A.N. Sen JJ)

26.01.1981

JUDGMENT

KOSHAL, J. -

1. The petitioners in these five petitions under Article 32 of the Constitution of India and the Technological Institute of Textiles, Bhiwani are agreed that all the thirteen petitioners shall stand admitted to the said Institute as from today and shall be allowed to take the supplementary examination which is being held for the benefit of those 23 students who, according to the petitioners, were admitted even though they did not so deserve on merits. We order accordingly. We further find no substance in the preliminary objections raised by Mr. Desai on behalf of the Institute that the petitions should be thrown out on the ground of delay. The petitioners have invoked the writ jurisdiction of this Court within about two months of the impugned admission and the gap represents a very reasonable time for the petitioners to take action at law. We may make it clear, however, that if the petitioners had delayed the institution of their petitions by, say, four months or so, we would not have entertained them by reason of delay alone, in the facts and circumstance of the case.

2. We consider it conducive to the ends of justice to further direct the University to regularise the admission of the thirteen petitioners as mentioned above and to see that they take their supplementary examination or any other examination that may be necessary so that they are, for all practical purposes, placed at par with the 23 students above mentioned and do not waste a year of their academic career.

3. We make a further direction to the Institute and that is that in future it shall admit students strictly in accordance with the rules and instruction issued by the University.

4. All the five petitions are disposed of accordingly with no order as to costs.

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