

Central Board of Secondary Education

Vs

Nikhil Gulati

(CJI M. M. Punchhi, B. N. Kirpal, M. Srinivasan JJ)

13.02.1998

ORDER

1. Occasional aberrations such as these, whereby ineligible students are permitted, under court orders, to undertake Board and/or University examinations, have caught the attention of this Court many a time. To add to it further, the courts have almost always observed that the instance of such aberrations should not be treated as a precedent in future. Such casual discretions by the Court is nothing but an abuse of the process; more so when the High Court at its level itself becomes conscious that the decision was wrong and was not worth repeating as a precedent. And yet it is repeated time and again. Having said that much, we hope and trust that unless the High Court can justify its decision on principle and precept, it should better desist from passing such orders, for it puts the 'Rule of Law' to a mockery, and promotes rather the 'Rule of Man'.

2. All the same, fond hopes were raised in the minds of the students herein. Therefore, we decline to interfere under Article 136 of the Constitution. The S.L.Ps. are, accordingly, dismissed.