

SUPREME COURT OF INDIA

Yashwant Kumar N. Bhambhani

Vs.

University of Delhi

(M.J. Rao and K.G. Balakrishnan JJ.)

26.07.2000

ORDER

1. The appellant has filed this appeal against the judgment of the High Court of Delhi in Writ Petition No. 3456/1995. The appellant was a student in the Master of Finance & Control Course of the Delhi University for the period 1994-96. The first semester examination of Part I was conducted in 1994. The second semester of Part I was conducted in April-May, 1995. By the middle of July, 1995, the appellant started attending the Course of Part II. In fact, on 24.7.1995, the 2nd respondent displayed a notice of list of promotees of Part I in which the name of the appellant was included as one of the promotees from Part I to Part II. On 27.7.1995, the appellant deposited the tuition fees for Part II.
2. But in August, 1995, the mark sheet/statement of tabulated marks was given to the appellant. It shows that the appellant had not completed four examinations in Part I. Therefore, the appellant was asked to discontinue Part II Course. This was in August, 1995. Thereafter, the appellant applied for revaluation in the four examinations in which he was shown to have failed. Inasmuch as the appellant did not receive any reply thereto, he filed the writ petition.
3. Various questions were debated in the High Court. Firstly, whether while demoting the appellant from Part II to Part I Course, the principles of natural justice were violated, whether there was a specific rule providing for observance of principles of natural justice and whether there was a provision for revaluation, and even if there was a provision of revaluation, whether the same was extended to Professional Courses and whether the Course in which the appellant was studying, could be described as a Professional Course?
4. After having gone into various questions, the High Court dismissed the writ petition. It is against the said judgment that this appeal has been preferred.
5. The factual position as of today is that the appellant secured score of 710 out of 800 in GMAT test (Graduate Management Admission Test) with 98% marks and secured admission in an American University and is pursuing his career in the U.S.A. He had filed this writ petition in the High Court to vindicate his stand that there was violation of principles of natural justice and that if the answer sheets are evaluated, the appellant would have shown as passed in the four examinations in Part I.

6. In view of the filing of the writ petition and the points raised therein, the High Court had naturally to decide certain issues. These issues came to be decided against the appellant.

7. In this appeal, inasmuch as the appellant is now pursuing a career in the U.S.A., having secured high marks in the GMAT Examination, the points raised in the writ petition are of pure academic interest and would not serve any real purpose. Learned Counsel for the appellant therefore, sought withdrawal of the writ petition and vacation of the findings given by the High Court against the petitioner.

8. After hearing learned Counsel for the respondent and having regard to the peculiar facts of this case, we permit withdrawal of the writ petition filed by the appellant. We leave the questions open. The appeal is disposed of accordingly. There will be no order as to costs.