

SUPREME COURT OF INDIA

University of Jammu

Vs.

Sarfraz Ahmed

(M.J. Rao and Doraiswamy Raju JJ.)

28.07.2000

ORDER

1. Leave granted.

2. After hearing the learned senior Counsel appearing for the appellant and the learned Counsel appearing for the first respondent, we are of the view that the Rules framed by the University of Jammu so far as the revaluation of examination papers are concerned, are valid.

3. In this case, the learned Single Judge had given a direction that not only respondent No. 1, but also respondent No. 2 was to be admitted in the M.C.A. Course, if necessary by creating one more seat for respondent No. 1. This order was affirmed by the Division Bench but now it has been verified by the learned senior Counsel for the University that the second respondent has not joined the course. In this appeal, notice was issued to respondent No. 2. He was served but has not chosen to appear and we set him ex-parte. In the circumstances, there can be no objection if the first respondent is accommodated in the available seat in the M.C.A. Course. There is no need to create extra seat. The second respondent does not appear to be interested in the seat in M.C.A. Course. While holding that the Rules are valid we direct the University of Jammu to admit the first respondent in the M.C.A. Course, in the special, peculiar facts of the case. The appeal is disposed of accordingly.