

SUPREME COURT OF INDIA

Banaras Hindu University

Vs.

Mahendra Kumar Gupta

C.A.No.3768 of 1995

(Dr. A. S. Anand , C.J., S. Rajendra Babu and Doraiswamy Rajuu Raju JJ.)

09.02.2000

ORDER

DR. A.S. ANAND, C.J.

1. The writ petition filed by the Respondents seeking a direction for admission to the M.B.B.S. course was allowed by the learned Single Judge and the University's appeal against that order failed before the Division Bench. A direction had been given by the learned Single Judge to the Appellants to grant admission to the eligible students in M.B.B.S course in the next academic session in case it was not possible to do so in the current session. The University has filed this appeal by special leave.

2. It appears that on behalf of the University it was stated before the Bench of this Court that admission had not still been granted to the Respondents pursuant to the directions of the learned Single Judge and the dismissal of appeal by the Division Bench. This Court on 8th August, 1994, while issuing notice in the special leave petition directed maintenance of status quo. Leave was granted on 24th March 1995.

3. Mr. Ranjit Kumar, learned Counsel appearing for Respondent No. 3 submits that Respondent No.3 has completed his studies in agricultural science because he could not join the M.B.B.S. course on account of the stay order granted by this Court and that Respondent No.3 has no more interest in this litigation.

4. According to the learned Counsel for the Appellant, other Respondents also did not join the M.B.B.S. course. Respondents though served, are not present before us. A written statement has been sent by post by Respondent No.6 and the prayer made in that written statement is to the effect that the 'Appellant be directed to admit the said Respondent in Post-graduate Medical Clinical Course'. That prayer is beyond the subject matter of the writ petition and cannot be granted by us.

5. In view of the subsequent developments, as a result of the stay order granted by this Court, learned Counsel for the parties agree that in this appeal what now remains only is of an academic interest. We are not inclined to undertake that exercise. Without expressing any opinion on the interpretation placed by the High Court on the requirement of attendance by the Academic Council and leaving that question open, we dismiss this appeal as infructuous. No costs.