

SUPREME COURT OF INDIA

Ram Preeti Yadav

Vs.

Mahendra Pratap Yadav & Ors Contemnors

Contempt Petition (Civil) No.512 of 2004

(S.B. Sinha and Harjit Singh Bedi JJ.)

30.08.2007

JUDGMENT

S.B. SINHA, J:

1. This application for initiation of a contempt proceeding has been filed for alleged disobedience of this Court's order dated 03.09.2003, relevant portion whereof reads as under :

"We are also unable to issue any direction to the first respondent to allow the third respondent to sit at the Intermediate Examination at this stage; having regard to the fact that relevant rules in this regard have not been placed. We may, however, observe that if he is entitled to take the said Examination in law, he may be permitted."

2. Respondent No.1 herein appeared as a private candidate in the Intermediate Examination conducted by U.P. Board of High Schools &

Intermediate Education from Janta Inter College, Azamgarh (U.P.). His result was withheld. A provisional mark-sheet was purported to have been issued to him without showing that his result for Intermediate Examination had been withheld. On the basis of the said purported provisional mark-sheet, he pursued further studies and completed his Graduation as also Post Graduation. He was also employed as a teacher. The Principal of the College informed him that his result in the Intermediate Examination has been cancelled. Questioning the said order, a writ petition was filed. The said writ petition was allowed by a learned Single Judge of the High Court.

Aggrieved, the petitioner herein preferred a special appeal before a Division Bench which was summarily dismissed. Petitioner herein approached this Court under Article 136 of the Constitution of India. In Civil Appeal No.

4034 of 2001 arising out of the said special leave petition, this Court in its judgment dated 03.09.2003, while allowing the same made the aforementioned observations.