

CENTRAL BOARD OF SECONDARY EDUCATION

v.

NIKHIL GULATI AND ANR.

FEBRUARY 13, 1998

[M.M. PUNCHHI, CJI, B.N. KIRPAL AND M. SRINIVASAN, JJ.]

*Education—In eligible students—Permission to undertake examinations under Court orders—Deprecation of—Instance of such aberrations should not be treated as a precedent—Such casual directions by Court is abuse of process—Unless justified High Court should desist from making such orders—Held no interference was called for under Article 136.*

CIVIL APPELLATE JURISDICTION : Special Leave Petition (c) No. 18853/1997.

From the Judgment and Order dated 4.9.97 of the Rajasthan High Court in DBCSA 1181 of 1997.

T.C. Sharma, Neelam Sharma, Mr. Ajay Sharma and Mr. Rupesh Kumar for the Petitioner.

S. K. Jain and Mr.A.P. Dhamija for the Respondents.

The following Order of the Court was delivered :

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 this 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'.

A 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.

T.N.A.

Petitions dismissed.