

PETITIONER:
CENTRAL BOARD OF SECONDARY EDUCATION

Vs.

RESPONDENT:
NIKHIL GULATI & ANR.

DATE OF JUDGMENT: 13/02/1998

BENCH:
CJI, B.N. KIRPAL, M. SRINIVASAN

ACT:

HEADNOTE:

JUDGMENT:
(WITH SLPs 19513 & 19057/1997)
THE 13TH DAY OF FEBRUARY, 1998

Present:

Hon'ble the Chief Justice
Hon'ble Mr. Justice B. N. Kirpal
Hon'ble Justice M. Srinivasan

Mr. T.C. Sharma, Ms. Neelam Sharma, Mr. Ajay Sharma and Mr. Rupesh Kumar, Advocates for the petitioner.

Mr. S. K. Jain and Mr.A.P. Dhamija, Advocates for the respondents.

O R D E R

The following Order of the Court was delivered:
(WITH SLPs 19513 & 19057/1997)

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'.

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.