

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 4729-4730 OF 2008
(@ SPECIAL LEAVE PETITION (C) NOS. 8414-8415 OF 2008)

Dr. N.T.R. University of Health
Sciences, Vijaywada, A.P.
Rep. by its Registrar

.... Appellant (s)

Versus

B.V.M. Prasad & Ors.

.... Respondent(s)

ORDER

- 1) Leave granted.
- 2) Heard both sides.
- 3) These appeals are preferred by the appellant herein – Dr. N.T.R. University of Health Sciences, Vijaywada, A.P. represented by its Registrar. The first respondent was a M.B.B.S. student in the Government Medical College at Ananthapur. He was to appear for the final year M.B.B.S. examination, and he submitted a representation through his father for change of the centre of examination. The

University has rejected the said request whereupon respondent No.1 has filed a writ petition before the High Court seeking permission to write the examination at Warangal. It is urged therein by the first respondent that he was having some depression and he wanted to write the examination at the Medical College, Warangal as his parents are working there. The High Court, by its interim order, directed the University to permit the student – respondent No.1 herein, to write the examination at Warangal. We are told that the student has already completed the examination and the result is awaited. The High Court, by the impugned order, directed the authorities to declare his result. Questioning the same, the University has filed these appeals.

4) It was contended by the learned counsel for the University that the High Court should not have passed interim order giving undue advantage to respondent No.1 herein to write the examination at Warangal as his parents are employed there and the said direction is also against the rules. The High Court found that the respondent's case was exceptional one. After observing that this should not be

treated as a precedent directed the official respondents to declare his result. In our opinion, the High Court has exercised its discretion and we do not wish to interfere with the same at this juncture.

5) The appeals are disposed of accordingly. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(P. SATHASIVAM)

NEW DELHI;
28th JULY, 2008.