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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 24th August, 2018

+ LPA 443/2018 & CM APPL. 32400/2018 & 33718/2018

UNIVERSITY OF DELHI & ORS. Appellants

versus

ADARSH RAJ SINGH & ANR. Respondents

+ LPA 454/2018 & CM APPL. 33802/2018

UNIVERSITY OF DELHI Appellant

versus

M POUDI UWIBOU & ANR Respondents

+ LPA 455/2018 & CM APPL. 33804/2018

UNIVERSITY OF DELHI & ANR Appellants

versus

NIHARIKA SHARMA & ORS Respondents

+ LPA 456/2018 & CM APPL. 33806/2018

UNIVERSITY OF DELHI & ANR Appellants

versus

SWEAKPREET SINGH & ORS Respondents

- + LPA 457/2018 & CM APPL. 33808/2018
UNIVERSITY OF DELHI & ORS Appellants
versus
NIRBHAY GARG & ORS Respondents
- + LPA 458/2018 & CM APPL. 33810/2018
UNIVERSITY OF DELHI Appellant
versus
PRIYANK KUMAR SADH & ANR Respondents
- + LPA 459/2018 & CM APPL. 33812/2018
UNIVERSITY OF DELHI Appellant
versus
DHARAM JEET Respondent
- + LPA 460/2018 & CM APPL. 33814/2018
UNIVERSITY OF DELHI Appellant
versus
SYED ADAM ALI & ANR Respondents
- + LPA 461/2018 & CM APPL. 33816/2018
UNIVERSITY OF DELHI & ANR Appellants
versus

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| | CHETAN KAUSHIK & ANR | Respondents |
| + | LPA 462/2018 & CM APPL. 33818/2018 | |
| | UNIVERSITY OF DELHI | Appellant |
| | versus | |
| | NIKITA JAISWAL & ANR | Respondents |
| + | LPA 463/2018 & CM APPL. 33820/2018 | |
| | UNIVERSITY OF DELHI & ANR | Appellants |
| | versus | |
| | PRAFFUL BENIWAL & ORS | Respondents |
| + | LPA 464/2018 & CM APPL. 33822/2018 | |
| | UNIVERSITY OF DELHI | Appellant |
| | versus | |
| | MRIDUL RANA & ANR | Respondents |
| + | LPA 465/2018 & CM APPL. 33824/2018 | |
| | UNIVERSITY OF DELHI & ANR | Appellants |
| | versus | |
| | ROBIN KUMAR | Respondent |
| + | LPA 466/2018 & CM APPL. 33826/2018 | |
| | UNIVERSITY OF DELHI & ANR | Appellants |
| | versus | |
| | ABHISHEK KADYAN & ORS | Respondents |

- + LPA 467/2018 & CM APPL. 33828/2018
UNIVERSITY OF DELHI & ORS Appellants
versus
KISLAY JHA & ORS Respondents
- + LPA 468/2018 & CM APPL. 33830/2018
UNIVERSITY OF DELHI & ANR Appellants
versus
POOJA YADAV & ANR Respondents
- + LPA 469/2018 & CM APPL. 33832/2018
UNIVERSITY OF DELHI Appellant
versus
DILNBUNG WELNGAM & ORS Respondents
- + LPA 470/2018 & CM APPL. 33834/2018
UNIVERSITY OF DELHI & ORS Appellants
versus
RAGHAV MATTA & ORS Respondents
- + LPA 471/2018 & CM APPL. 33836/2018
UNIVERSITY OF DELHI & ANR Appellants
versus
HARSH KADIYAN & ORS Respondents

- + LPA 472/2018 & CM APPL. 33838/2018
UNIVERSITY OF DELHI Appellant
versus
DISHANT SHERAWAT & ORS Respondents
- + LPA 473/2018 & CM APPL. 33840/2018
UNIVERSITY OF DELHI & ORS Appellants
versus
ABHISHEK TRIKHA & ANR Respondents
- + LPA 474/2018 & CM APPL. 33842/2018
UNIVERSITY OF DELHI & ORS Appellants
versus
ABHISHEK DEVGAN & ORS Respondents

Present: Mr. Arvind K. Nigam, Sr. Adv. with Mr. Mohinder J.S. Rupal and Mr. Prang Newmai, Advs. for the University of Delhi.
Mr.Kirti Uppal, Sr.Adv., Mr.Himanshu Dhuper, Mr. Ashish Virmani & Mr. Samrendra Kumar, Advs. for Respondents in LPA 443/2018, LPA 456/2018, LPA 466/2018, LPA 468/2018 & LPA 471/2018.
Mr.Preet Pal Singh, Adv. for BCI.
Mr. Samarendra Kumar with Mr. N.K. Thakur and Mr. Rajesh Mishra, Advs. for respondents in LPA No.443/2018.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL):

1. All these appeals seek exception to a common judgment passed by the learned writ Court in various writ petitions on 06.07.2018. Challenging the orders passed, the University has filed these Letters Patent Appeals primarily on the ground that the interpretation given by the learned writ Court to Rules 10 and 18 of the Bar Council of India Rules and the relief granted for holding extra classes for the students and taking certain consequential action are totally contrary to law, unsustainable and, in fact, if given effect to would not only create complications for the petitioners who were before the writ Court but would derail the further admission process for the course in question.

2. After hearing counsel for the parties at length on the last date, taking note of the peculiar facts and circumstances of the case, this Court had given certain suggestions to the University and learned Senior Counsel appearing for the University Shri Arvind K. Nigam was requested to seek instructions. The matter has been considered by the University and today it is stated by the learned Senior Counsel on behalf of the University that they are willing to resolve the issue keeping in view the suggestions given by this Court and in the interest of the students. However, subject to their objection with regard to interpretation of the Rules and the legal questions involved in the matter being considered and decided on merits by this Court, it is submitted that the University, in the peculiar facts and circumstances of the present case, limited to the petitioners who are before this Court, are willing to declare their results based on the examination undertaken by them by virtue of the interim order passed in the writ petition and in case the students who

have appeared in the examination and passed the same, the University will proceed to deal with them in accordance with law. As far as the petitioners who have failed in the examination are concerned, the University undertakes to give them one more opportunity to appear in the forthcoming supplementary examination to be held by the University and thereafter proceed in accordance with law.

3. Keeping in view the facts and circumstances of the case, we are of the considered view that, for the present, with regard to the petitioners who are before us the undertaking given by the University meets the ends of justice and therefore we dispose of these appeals in the following manner:

- (1) As undertaken by the University, all such petitioners who have appeared in the examination in question by virtue of the interim order passed by the writ Court, their results shall be declared by the University forthwith within a period of 3 days from today in accordance with the Rules.
- (2) Such of the petitioners who have passed in the said examination would be permitted to prosecute their studies further in accordance with the Rules and such of them who fail in the examination would be given one more opportunity to appear in the forthcoming supplementary examination and thereafter their results would be declared and they would be permitted to prosecute their studies in accordance with the Rules.

4. As far as the interpretation of Rules 10 and 18 of the Bar Council Rules and various other legal principles canvassed in these appeals are

concerned, we would consider them in LPA No.443/2018 and after hearing all concerned, the legal issues raised by the University would be considered and a decision taken. For the said purpose, LPA No.443/2018 shall be kept pending.

5. We may clarify that this order shall not be treated as a precedent, it has been passed in the peculiar facts and circumstances of this case and based on the undertaking and concession given by the University, and, therefore, would be applicable only to the petitioners who are before this Court in these proceedings. It is further made clear that now no further petitions or any other grievance with regard to the issue in question would be entertained either by the University or by this Court in case of any other candidate/student similarly situated who has not approached the Court.

6. With the aforesaid, except LPA No.443/2018 (only for deciding the legal question) all other Letters Patent Appeals stand disposed of.

7. The sealed cover in which the learned Senior Counsel Shri Arvind K. Nigam had produced the results of the candidates is returned back to Shri Arvind K. Nigam to be handed over to the University for declaration of their results to be declared within 3 days as directed hereinabove.

LPA No.443/2018

List on 15.11.2018 for final hearing in the category of “After Notice Miscellaneous Matters”.

Shri Kirti Uppal, learned Senior Counsel shall assist this Court for deciding the legal questions involved in the matter in the present petition as an Amicus Curiae.

Order *dasti*.

CHIEF JUSTICE

V. KAMESWAR RAO, J

AUGUST 24, 2018
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