

Arun D. Desai vs High Court Of Bombay Through Chief ... on 8 August, 1984

Equivalent citations: 1984(2)SCALE128, 1984SUPP(1)SCC372, 1984(16)UJ1151(SC)

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Bench: Y.V. Chandrachud, D.A. Desai

JUDGMENT

Y.V. Chandrachud, C.J.

1. The petitioner, Arun D. Desai appeared for the 2nd and 3rd year law examinations of the Bombay University in June-July 1980. Since the University did not declare the results of the examinations in time, the petitioner filed this writ petition under Article 32 of the Constitution. By the petition, the petitioner asked for several reliefs which the Court could not have possibly granted. Later, he amended the writ petition and concentrated on the main relief regarding the declaration of the results of the examinations for which he had appeared.

2. During the pendency of this writ petition, the University declared the results of both the examinations in which, the petitioner was declared to have failed in the 2nd LL. B. examination. As a corollary, his result for the 3rd LL. B. examination was kept in abeyance. The petitioner then filed a writ petition in the Court of the learned Judicial Commissioner, Panaji, Goa, to challenge the result of the examination but that petition was dismissed. Thereafter he filed a writ petition in this Court (No. 6352 of 1980) challenging the result of the 2nd LL. B. examination on the ground that it is "defective, arbitrary and partial". That writ petition was allowed to be withdrawn, with liberty to the petitioner to file a special leave petition against the order passed by the Court of the Judicial Commissioner. The petitioner does not appear to have taken any steps in that behalf thereafter.

3. There is no substance whatsoever in this writ petition. The petitioner has failed in the 2nd LL.B. examination. It is not shown how the assessment of his answer books is defective, arbitrary or partial. Students who fail in their examinations are generally prone to make such allegations to explain their failure and to console themselves with the thought that, not they but the examiners are to blame. We understand the anguish of the petitioner at his failure but we have no power to pass him. This is apart from the fact that the writ petition has become infructuous by reason of the declaration of the result during its pendency. The relief claimed by the petitioner is that the result should be declared.

4. Since it is not possible to grant any relief to the petitioner in this petition under Article 32, the petition is dismissed. There will be no order as to costs.