

Non-Reportable

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 26484 OF 2018

and

INTERLOCUTORY APPLICATION NO. 102466 OF 2020

in

SPECIAL LEAVE PETITION (CIVIL) NO. 26484 OF 2018

ANKITA MEENA

... PETITIONER(S)

VERSUS

UNIVERSITY OF DELHI

... RESPONDENT(S)

ORDER

V. Ramasubramanian, J.

1. Challenging an order of the learned single judge, confirmed by the division bench in an intra-court appeal, refusing to interfere with the decision of the University denying permission to her to appear in the 4th Semester LLB Examination, a student has come up with the above SLP.

2. We have heard learned counsel for the petitioner and the learned counsel for the University.

3. The petitioner joined the 3-year LLB Course at Law Centre-II, Faculty of Law, University of Delhi in August, 2016. By the time she joined the course she was already married for about 5 months.

4. The petitioner completed the first 3 semesters without any hindrance. However, she fell short of the required attendance during the 4th Semester, due to two difficulties. One was that she gave birth to a baby on 22.02.2018, disabling her to attend the classes till the end of March, 2018. The second difficulty was that the Delhi University Teachers' Association went on a strike from 16.03.2018 and hence the University could not conduct the minimum number of classes as prescribed by Rule 10 of the Bar Council of India Rules.

5. Therefore, the petitioner was detained by a notice dated 09.05.2018 and not permitted to write the 4th Semester Examinations scheduled to commence from 12.05.2018.

6. The petitioner therefore filed a Writ Petition (Civil) No.5194 of 2018 on the file of the High Court of Delhi seeking a direction to the University to permit her to appear for the 4th Semester

Examinations. But the writ petition was dismissed by an order dated 15.05.2018.

7. An intra-court appeal was filed by the petitioner in LPA No.294 of 2018, but the same was dismissed by the Division Bench by an order dated 07.09.2018. It is against the said order that the student has come up with the above SLP.

8. On 05.10.2018 this Court ordered the issue of notice in the SLP. While doing so this Court also permitted the petitioner to attend classes at her own risk on completion of the required formalities. Subsequently, several orders were passed by this Court, which are presented in a tabular column by the petitioner in her application I.A.No.102466 of 2020. It reads as follows:-

S. No.	Date	Order(s)
1.	19.11.2018	<p><i>We have heard learned counsel appearing for the parties and perused the application for directions.</i></p> <p><i>“Learned counsel appearing for the respondent-University, states that if the applicant is qualified to appear in the examination, she will be allowed according to law.”</i></p> <p><i>In view of the above, the instant application for directions is disposed of.</i></p>
2.	15.02.2019	<i>“Having heard learned counsel appearing for</i>

		<p><i>the parties and upon perusal of the instant application for directions, we direct the respondent-University to permit the applicant to attend the classes of VI Semester as per this Court's order dated 05.10.2018, on completion of the required formalities."</i></p> <p><i>The interlocutory application for directions is allowed accordingly.</i></p>
3.	05.07.2019	<p><i>The application is allowed in terms of prayer clause (aa), which reads as under:</i></p> <p><i>"Direct the Respondent to permit the applicant to appear in the V Semester Supplementary Examination to be held on 06.07.2019, as per the directions of this Hon'ble Court dated 05.10.2018, 19.11.2018 and 15.02.2019."</i></p> <p><i>The result will be subject to the outcome of this special leave petition.</i></p>
4.	27.08.2019	<p><i>List after two weeks.</i></p> <p><i>In the meanwhile, counter affidavit may be filed.</i></p>
5.	28.07.2020	<p><i>"Having heard learned senior counsel appearing for the parties and upon perusal of the instant application for directions, we direct that the results of the present applicant/petitioner viz., Ankita Meena, for the IV and VI Semester results shall be declared by the respondent(s)."</i></p> <p><i>The instant applicant applications for directions stand disposed of accordingly.</i></p> <p><i>List the main matter along with connected matter(s) for final hearing in due course</i></p>

9. Pursuant to the aforesaid orders, the petitioner appeared for the examinations of the 4th, 5th and 6th Semesters. There are no

further examinations. The University has also declared the results of the 4th and 6th Semester examinations, but has not declared the results of the 5th Semester Supplementary Examination. Therefore, the petitioner has come up with I.A.No.102466 of 2020 seeking a direction to the respondent to declare the results of the petitioner for the 5th Semester Supplementary Examination and to grant the provisional degree, consolidated mark sheet and character certificate.

10. When the above interlocutory application came up for hearing, we took up the main special leave petition also, in view of what is stated hereunder.

11. From the sequence of events narrated above, it is quite clear: **(i)** that the petitioner has completed the course in entirety; **(ii)** that the results of all the semester examinations except the 5th Semester Supplementary Examination has already been declared; and **(iii)** that the *lis* in the SLP, though relates to the 4th Semester, does not actually survive for an active adjudication on account of the subsequent developments. Once the petitioner has completed the course and also written the 5th and 6th Semester Examinations and

even got the results of all the semester examinations except the 5th Semester Supplementary Examinations published, the adjudication of the dispute in the SLP will only be a matter of academic interest.

12. Therefore, the I.A. and the SLP are disposed of directing the University to declare the 5th Semester supplementary Examination results of the petitioner and issue the provisional degree along with necessary certificates, if she had passed the examinations, subject to the petitioner clearing the other formalities. This order is passed in the peculiar facts and circumstances of the case.

.....CJI
(S.A. Bobde)

.....J.
(A.S. Bopanna)

.....J.
(V. Ramasubramanian)

New Delhi
January 22, 2021