

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7100 OF 2011

(Arising out of SLP(C) No. 23055 of 2010)

Rajeev Kumar . . .Appellant (s)

Versus

Union of India and others . . .Respondents

O R D E R

Leave granted.

This appeal is directed against the order of the Division Bench of the Delhi High Court whereby the writ petition filed by the appellant with multiple prayers was dismissed on the ground that he did not have the locus standi to challenge the validity of Joint Entrance Test conducted by respondent No.2.

We have heard learned counsel for the parties and perused the record.

In our view, the High Court was not justified in non-suiting the appellant on the ground of lack of locus without even adverting to the averments made by him that he was a Professor in the Indian Institute of Technology, Kharagpur, that his son and daughter had appeared in the Joint Entrance Examinations conducted in 2006 and 2010 respectively and that he was interested in ensuring that the Joint Entrance Examination is conducted in a transparent and fair manner so that meritorious students may not suffer.

The order passed by this Court in the case of Chetan Upadhyay, who claimed to be a journalist, did not have any bearing on the appellant's right to question the legality etc. of the Joint Entrance Examination and the High Court gravely erred in relying upon the same for dismissing the writ petition filed by the appellant.

In the result, the appeal is allowed, the order under challenge is set aside and the matter is remitted to the High Court for disposal of the writ petition on merits. The parties are given liberty to move the High Court for expeditious disposal of the writ petition.

.....J
(G.S. SINGHVI)

.....J
(H.L. DATTU)

New Delhi
August 16, 2011.

ITEM NO.49

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23055/2010
(From the judgement and order dated 02/06/2010 in WP No.2275/2010 of
The HIGH COURT OF DELHI AT N. DELHI)

RAJEEV KUMAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record,
permission to file rejoinder affidavit and office report)

Date: 16/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)

Mr. Pranav Sachdeva, Adv.
Mr. Prashant Bhushan, Adv.

For Respondent(s)

Dr. Rajeev Dhavan, Sr. Adv.
Mr. T.S. Doabia, Sr. Adv.
Mr. Gopal Subramaniam, Sr. Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Shailender Saini, Adv.
Mr. T.V.S. Raghavendra Sreyas, Adv.
Mr. Swapnil Verma, Adv.
Mr. D.S. Mahra, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. Kamalendra Mishra, Adv.
Mr. Shekhar Kumar, Adv.
Mr. Anand Varma, Adv.
Mr. Shekhar Kumar, Adv.
Mr. K. Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(G.SUDHAKARA RAO)
Court Master

(PHOOLAN WATI ARORA)
Court Master

(Signed order is placed on the file)