

Court No. - 10

Case :- WRIT - C No. - 41927 of 2023

Petitioner :- Ataullah Siddiqui

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mohammad Sadab Khan

Counsel for Respondent :- C.S.C., Rohit Pandey

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Mohammad Sadab Khan, learned counsel for the petitioner, learned Standing Counsel for the respondent no.1 and Sri Abhishek Mishra, holding brief of Sri Rohit Pandey, for the respondents no.2 and 3.

2. This petition has been filed seeking a writ of mandamus commanding the respondents no.2 and 3 to decide the petitioner's application dated 05.09.2023. The second relief is also in terms of the prayer made in the said application.

3. The grievance of the petitioner appears to be granting an opportunity to the petitioner to clear the back paper of 6th Semester Examinations.

4. Sri Abhishek Mishra, learned counsel has placed instructions which are taken on record.

5. The officer of the University has mentioned in the instructions that the maximum time limit of the concerned course has expired and, therefore, the petitioner is not entitled to any relief.

6. Learned counsel for the petitioner has referred to Annexure No.5 to the writ petition which is an office memorandum dated 21.10.2023 granting certain benefits to some other students, however, Sri Mishra opposes the submission by pointing out the distinct features of the case of Tanveer and others with that of the petitioner.

7. Be that as it may, since the petitioner should know the fate of his application on merits, instead of deciding the controversy in the present writ petition, this petition stands **disposed of** directing the Controller of Examination, Chhatrapati Shahu Ji Maharaj University, Kanpur Nagar (respondent no.3) to consider the petitioner's application dated 05.09.2023 and dispose of the same by passing a reasoned and speaking order **on or before 15.01.2024**

and inform the petitioner by registered post, provided a certified copy of this order is produced by the petitioner before the said respondent **within three weeks from today.**

Order Date :- 5.12.2023

AKShukla/-