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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 562/2019 & CM APPLs. 39365-39366/2019
YUSUF & ORS Appellants
Through: Ms. Preeti Singh, Advocate

versus

DELHI UNIVERSITY Respondent
Through: Mr. Prang Newmal, Mr. Hardik
Rupal, Mr. Kaushik Ghosh, Ms. Aditi
Shastri, Advocates for Mr. Mohinder
J.S. Rupal, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER
% **02.09.2019**

1. 31 appellants, all second year students pursuing L.L.B. in the Faculty of Law, Delhi University, have jointly filed the present appeal being aggrieved by an order dated 26.08.2019, passed in C.M.Appln.37923/2019.
2. It is noteworthy that C.M.Appln.37923/2019 was filed by the appellants/petitioners in W.P.(C) No.9070/19 praying *inter alia* for early hearing of the writ petition, which was otherwise listed for arguments on 21.11.2019. A perusal of the impugned order dated 26.08.2019 reveals that the learned Single Judge had offered to hear the writ petition itself on the said date. Instead of accepting the said suggestion and addressing arguments in the writ petition, learned counsel for the appellants/petitioners stated that she would rather take her chance on the date fixed i.e. on 21.11.2019. As a result, C.M.Appln.37923/2019 was dismissed.
3. Now, the present appeal has been filed against the impugned order on

the ground that the appellants/petitioners have been prevented from taking the supplementary examinations for the papers for which they did not sit in the first, second, third and the fourth semesters as some of them had failed to clear the examination and others had absented themselves. We may note that the very same grounds have been pleaded by the appellants/petitioners in the writ petition, which is pending consideration and listed before the learned Single Judge on 21.11.2019.

4. Learned counsel for the respondent submits that the present appeal is patently misconceived in the light of the statement made by learned counsel for the appellants/petitioners herself before the learned Single Judge that she would rather take her chance to argue the main petition on the date fixed i.e. 21.11.2019. He further states that the question of permitting the appellants/petitioners to sit in the supplementary examinations does not arise as such an option is available only to students of the sixth semester, whereas all the appellants/petitioners herein are studying in the first/second/third/fourth semesters.

5. We are in agreement with learned counsel for the respondent that the present appeal is meritless. The appellants/petitioners cannot be permitted to blow hot and cold in the same breath. On the one hand, when the learned Single Judge had given an option to the counsel for the appellants/petitioners to address arguments on merits on the writ petition on 26.08.2019, she had declined to do so and stuck to the date already fixed for the said purpose and on the other hand, the appellants/petitioners have come rushing in this appeal claiming that they are aggrieved by the order dated 26.08.2019 and that they are entitled to be heard on merits.

6. Quite evidently, the present appeal is an abuse of the process of law and liable to be dismissed with costs. However, keeping in mind the fact that all the appellants/petitioners are students of law and if any costs are imposed, they would pinch the pocket of their parents, we do not propose to impose costs. Instead, each of the 31 appellants/petitioners are directed to do community service through legal aid for one week for which they shall report to the Member Secretary, Delhi State Legal Services Authority, who shall assign them appropriate duties. The appellants/petitioners shall be entitled to work out a convenient time schedule, without interrupting/disturbing their classes and studies with the Member Secretary, Delhi State Legal Services Authority who shall assign them duties accordingly. On rendering legal aid for one week, spread over the agreed time schedule to his satisfaction, the Member Secretary, D.S.L.S.A. shall file a Status Report of compliance.
7. A copy of this order shall be forwarded to the Member Secretary, Delhi State Legal Services Authority for perusal and compliance.
8. The appeal is dismissed alongwith pending applications in terms of the above order.

HIMA KOHLI, J

ASHA MENON, J

SEPTEMBER 02, 2019/s