

**Court No. - 32**

**Case :-** WRIT - C No. - 35091 of 2024

**Petitioner :-** Navendu Aggarwal

**Respondent :-** Union Of India And 5 Others

**Counsel for Petitioner :-** Akash Patel, Varun Singh

**Counsel for Respondent :-** A.S.G.I., Prem Shanker Prasad

**Hon'ble Saral Srivastava, J.**

1. Heard learned counsel for the petitioner, Sri Avanish Tripathi, learned counsel for respondent No.3 and Sri Sai Girdhar, learned counsel for respondent No.6.

2. By means of present writ petition, the petitioner has prayed for following main reliefs:

*"(i) Grant a writ of mandamus to the respondents to allow the petitioner to apply and appear in the AIBE-XIX exam.*

*(ii) Grant a writ of mandamus or any other appropriate writ, direction, or order to the respondents quashing the petitioner's incorrect result of the 5th Semester Examination.*

*(iii) Direct the respondents to produce the original computer typed printouts attached to the answer sheet of the petitioner for all subjects of the 5th Semester examination in which, he had duly appeared.*

*(iv) Grant a writ of mandamus or any other appropriate writ, direction, or order to the respondents to give the exact and correct information regarding the computer types printouts attached to the answer sheet of the petitioner.*

*(v) Direct the respondents to declare the correct result of the petitioner of the 5th Semester.*

*(vi) Direct the respondents to provide provisional degree and migration certificate.*

*(vii) Direct the respondents to provide realistic cost to the petitioner for the damages done to him."*

3. Sri Avanish Tripathi, learned counsel for respondent No.3 states that inadvertently the print out of the answers of the petitioner could not be pasted on the examination copy of the petitioner. The error has been rectified and petitioner has been passed and correct marks sheet has been issued to the petitioner. Instructions are taken on record copy of which has also been supplied to learned counsel for the petitioner.

4. Accordingly, writ petition is **dismissed** as having become infructuous.

5. However, it is open for the petitioner to file recall application, in case the petitioner finds that cause of action survives in the writ petition.

6. After dictating the judgment, it has been informed by the learned counsel for the petitioner that because of the fault of the University, the petitioner could not submit the form for appearing in All India Bar Council Examination-2019. He submits that respondent no.6-Bar Council of India may be directed to permit the petitioner to submit form and appear in All India Bar Council Examination-2019.

7. Sri Sai Girdhar, learned counsel for respondent no.6 states that the petitioner may file fresh representation before the respondent no.6 which shall be considered sympathetically by the respondent no.6.

8. Considering the fact that petitioner is visually impaired and there was no fault of the petitioner and because of the fault of the University, the petitioner was failed, which error has been corrected by the University. Therefore, in such view of the fact, the reason for not submitting the form in time for appearing in All India Bar Council Examination-2019 was beyond the control of the petitioner.

9. In view of the aforesaid fact, a direction is being issued to the respondent no.6-Bar Council of India, New Delhi to permit the petitioner to submit application form for appearing in All India Bar Council Examination-2019 within a period of one week from today and the petitioner shall be allowed to appear in All India Bar Council Examination-2019.

**Order Date :- 22.11.2024**

R.S. Tiwari