

Balwinder Kumar, etc. v. The Guru Nanak University  
(Sandhawalia, J.)

---

as framed is more advantageous to the appellant than the suit which should, according to the appellant, have been filed by the plaintiff. Thirdly, it is nobody's case that the parties are governed by Hindu law. The concurrent finding of both the Courts, the correctness of which has not been disputed before me, is that the parties are governed by custom. The only finding of the lower appellate Court which again has not been disputed is that though the parties are governed by custom, the effect of adoption according to the custom prevalent in the erstwhile Delhi area including Mohindergarh district was that of a formal adoption under the Hindu Law. The effect of adoption is that of a formal one like the one under the Hindu law but that does not mean that the parties were governed by Hindu law, or that the adoption was made under that law. It is settled law that even if the parties are governed by custom, they can make a formal adoption. This has been settled in *Kehar Singh and others v. Dewan Singh and others* (3). In these circumstances no fault can be found with the frame of the suit.

(5) No other argument was advanced by Chaudhry Roop Chand in this appeal. Both his contentions having failed, the appeal cannot succeed and the same is accordingly dismissed though without any order as to costs.

---

K.S.K.

FULL BENCH

*Before S. S. Sandhawalia, D. S. Tewatia, and P. S. Pattar, JJ.*

BALWINDER KUMAR, ETC.,—Petitioners

*versus*

THE GURU NANAK UNIVERSITY,—Respondent.

C.W. 1273 of 1975.

May 1, 1975.

*Guru Nanak University Act (XXI of 1969)—Section 19—Regulations to be validly framed by the University—Procedure laid*

---

(3) A.I.R. 1966 S.C. 1555.

*down under Section 19—Whether has to be followed meticulously—Panjab University students transferred to Guru Nanak University—Whether entitled to protection of the Regulations of the Panjab University—Students joining Guru Nanak University after the adoption of its Regulations—Whether can claim to be governed by the Panjab University Regulations.*

*Held*, that Section 19 of the Guru Nanak University Act, 1969, provides that the first statute of the University shall be made by the State Government and notified in the official gazette and thereafter either the Senate from time to time may make new or additional Statutes or amend or repeal the earlier ones in the manner provided. This postulates a draft proposal by the Syndicate to the Senate which would be considered by the latter in its next succeeding meeting. The Senate may either approve such a draft and pass the statutes or amend them or return them to the Syndicate for reconsideration. Every new statute either as an addition to or as an amendment to the existing one then requires the approval of the Chancellor by virtue of Sub-section (6) of Section 19 of the Act. The Chancellor is empowered to either sanction or disallow such a statute or remit it for further consideration. It is obvious from these provisions that unless the meticulous procedure provided by Section 19 of the Act is followed, no valid Regulation can be framed or adopted by the University.

*Held*, that proviso to Sub-section (3) of Section 5 of the Act makes it manifest that as a transitory measure, the Act had itself provided that the students of the Panjab University who in the mid-stream of their studies for any degree and diploma examination of that University had been transferred to the Guru Nanak University would remain entitled to the protection of the earlier statutes, Ordinances or Regulations of the Panjab University. From the stage when the Act came into force and till the new admissions took place in the Guru Nanak University, the said proviso governed the students of the Panjab University who by legislative fiat had been transferred to the jurisdiction of the Guru Nanak University. To such students who were transplanted to the Guru Nanak University, the earlier Regulations contained in the Panjab University Calendar 1969, would thus continue to apply as they were protected by the proviso of Section 5(3) of the Act. But the students who do not come within the ambit of this proviso because of their joining the Guru Nanak University after the University has adopted Guru Nanak University Regulation 1970 cannot claim to be governed by Panjab University Calendar of 1969. They were never at any stage students of the Panjab University and, therefore, they cannot claim the benefit of Panjab University Calendar of 1969.

*Petition under Article 226 of the Constitution of India, praying that a writ in the nature of Certiorari, Mandamus or any other*

Balwinder Kumar, etc. v. The Guru Nanak University.  
(Sandhawalia, J.)

---

*appropriate writ, order or direction be issued, directing the respondent to declare the result of the petitioner in accordance with the 1969 Regulations, and also declaring that the petitioners are entitled to the grant of grace marks upto 1 per cent of the total aggregate marks for the M.B.B.S. (Final) Professional Examination.*

J. L. Gupta, and A. K. Arora, Advocates, for the petitioners.

S. S. Dhaliwal and Man Mohan Singh, Advocates, for the respondent.

### JUDGMENT

SANDHAWALIA, J.—Whether the Guru Nanak University, Amritsar, had soon after its creation adopted the Panjab University Calendar 1969 so as to attract the application of its provisions to the case of the petitioner-examinees is the primary question which falls for determination in this civil writ petition admitted to a hearing by the Full Bench.

(2) The facts are neither complicated nor in serious dispute. The eight petitioners joined the Medical College, Amritsar, in July-August, 1970, for the degree course of M.B.B.S. It is averred on their behalf that the Government Medical College, Amritsar, was originally affiliated to the Panjab University but on the establishment of the Guru Nanak University in the year 1969, the said College was affiliated to the latter University from the academic year 1970-71 onwards.

(3) The particular case of the petitioners in paragraph 4 of the petition is that the Guru Nanak University, Amritsar (hereinafter referred to as the respondent-University) in the year 1969 had adopted all the then existing Rules and Regulations of the Panjab University. Further, that the admission in July-August, 1970 made by the respondent-University in its affiliated institutions was also on the basis of the criteria laid down in the Panjab University Calendar 1969. According to the Regulations contained in this Calendar, it was provided that the petitioners and other candidates appearing for the various examinations would be entitled to the grant of one per cent of the total aggregate marks of the examination to their best advantage with the result that a maximum number of 16 grace marks could be obtained. On September 26, 1970, the Syndicate of the respondent-University resolved to adopt the Regulations etc., of the Panjab

University which were not in any way inconsistent with the Guru Nanak University Act, 1969, and the statutes framed by the Panjab Government thereunder. This resolution was approved by the Senate on the 25th of October, 1970, and later modified by another resolution of the Syndicate which was approved by the Senate on the 27th of March, 1971. It is averred on behalf of the petitioners that by the time the above-said resolutions were approved and adopted, the sister University of Panjab had already modified its Regulations regarding the award of grace marks to the candidates appearing for the degree of M.B.B.S. with the result that a candidate could get only four marks per subject. This amendment was duly incorporated in the Regulations contained in the Panjab University Calendar 1970 (Vol. I).

(4) The claim of the petitioners on the above premises is that they are governed by the Panjab University Calendar 1969 (Vol. III) and, therefore, entitled to the award of 16 grace marks to their best advantage. In December, 1974, the petitioners appeared in the final professional examination, the result whereof was declared on January 21, 1975, on the basis of the amended Regulations with the result that the benefit of only four grace marks per subject was accorded to the petitioners and they were required to reappear in one or the other subject. It is their case that if they were to be given 16 marks on the basis of the Old Regulations contained in the Panjab University Calendar 1969, then they would have passed the above-said examination. The action of the University in not awarding 16 grace marks to each one of the petitioners is hence impugned on behalf of the petitioners.

(5) Another ancillary ground raised on behalf of the petitioners is that students who had joined the M.B.B.S. Course in the year 1969 or earlier were being accorded the benefit of Old Regulations whilst these were being denied to them. Similarly some candidates who had migrated to the respondent-University in or after 1970 were also being given the concession included in the old Regulations. The petitioners hence claimed that they are the victims of invidious discrimination which is violative of Article 14 of the Constitution.

(6) In the written statement filed by way of affidavit of the Registrar of the respondent-University, paras Nos. 1 to 3 stand admitted. As regards para 4 of the petition it was admitted to the extent that in the year 1969, the respondent-University had adopted all the Regulations of the Panjab University but the rest of the para

Balwinder Kumar, etc. v. The Guru Nanak University  
(Sandhawaliala, J.)

---

was denied and it was stated in terms that the admission of the petitioner in July, 1970, was made on the basis of the criteria laid down in the Panjab University Calendar 1970 for the academic year 1970-71. It is then admitted that the old Regulations contained in the Panjab University Calendar for the year 1969 provided for a maximum of 16 grace marks but it is in terms denied that those Regulations were in any way applicable to the petitioners because having been admitted in August, 1970 they are governed only by the Regulations as contained in the Panjab University Calendar 1970. This position has been reiterated in the other paragraphs of the written statement. The decisions of the Syndicate and Senate of the respondent-University on the 26th of September, 1970, and 25th October, 1970, respectively, therefore are admitted.

(7) In reply to paragraph 9, it is high lighted on behalf of the respondent that all the students mentioned in that paragraph were admitted to the M.B.B.S. Course in July, 1969, or earlier and because of this fact they were governed by the Panjab University Calendar 1969 (Vol. III). It is further the case of the respondent that their action in governing the students admitted in the 1969 or the pre-1969 Sessions by the old Regulations is consistent with the decision of this Court in Civil Writ No. 987 of 1973. It is hence averred that the benefit of old Regulations cannot be given to the petitioners who were admitted in the year 1970 and were in terms governed by the subsequent Regulations contained in the 1970 Calendar. Any violation of Article 14 is hence controverted.

(8) During the course of arguments it became manifest that the written statement filed by the respondent-University suffered from a Paucity of detail on material facts which were at issue. We had, therefore, directed the respondent-University to put in a detailed affidavit which would explicitly set out the basic facts upon which the decision of the case necessarily turns. Accordingly the Registrar of the University put in a supplementary affidavit, dated the 1st of May, 1975, which was admitted on the record. Therein it has been averred and clarified that the fellows of the Guru Nanak University, Amritsar, were nominated on the 30th of June, 1970, and the other University bodies came into being after the said date. The first meeting of the Syndicate of the respondent-University was held on the 26th of September, 1970, and similarly the 1st meeting of its Senate was held on the 25th of October, 1970. It has in terms been averred that prior to 26th of September, 1970, no meeting of the

Syndicate of the respondent-University was held, and, therefore, the question of the adoption of any Regulation of the Panjab University in the year 1969 does not at all arise. It is then clarified that the purported admission contained in para 4 of the earlier written statement was made in view of the provisions of Section 5(3) of the Guru Nanak University Act. Lastly it has been averred that the prospectus of the Medical College, Amritsar for the year 1970-71 clearly stated that the University Examinations were to be conducted in accordance with the new Regulations of the Panjab University.

(9) No replication to the original written statement or the supplementary affidavit has been filed on behalf of the petitioners. However, at the fag-end of the hearing when the argument was virtually nearing its close, the learned counsel for the petitioners had moved Civil Miscellaneous Application No. 921 of 1975 seeking to place on record an additional affidavit. A perusal thereof would show that an entirely new set of facts pertaining to some nine alleged instances of students who had migrated from various Universities to the respondent-University in the year 1971 was referred to in this application. We were firmly of the view that this was a clear attempt to set up an altogether new case by bringing in facts regarding which the respondent-University has had no opportunity of rebuttal. Even otherwise we found these facts hardly relevant to the issue in the case and on this application being strenuously opposed on behalf of the respondent, we rejected the same as lacking in merits and disallowed the bringing on record of these extraneous facts which could only tend to cloud the real issue.

(10) It is manifest from the above-noticed pleadings that the core of the matter herein is whether the case of the petitioner-examinees is to be regulated by the provisions contained in the Panjab University Calendar 1969 (Vol. III) or by those contained in Panjab University Calendar 1970 (Vol. I).

(11) The gravamen of Mr. J. L. Gupta's argument is that at the time of the petitioners' admission to the Medical College in July-August 1970, the respondent-University had earlier adopted all the Rules and Regulations laid down in the Panjab University Calendar 1969. On these premises he further contended that the admission of the petitioners having been made on the basis of the 1969 statutory provisions, the same could not be altered to their disadvantage by the subsequent adoption of the Panjab University Calendar 1970 by the respondent-Guru Nanak University.

Balwinder Kumar, etc. v. The Guru Nanak University  
(Sandhawalia, J.)

---

(12) When pressed to elaborate his basic contention that the 1969 Regulations had been adopted by the University the learned counsel frankly conceded that the sole basis therefor was the assertion to this effect made in para 4 of the writ petition and a partial admission thereof in the first written statement filed by the Registrar of the respondent-University, dated the 6th of April, 1975.

(13) There might have been a tenuous handle to the submission made on behalf of the writ petitioners had the written statement of 6th of April, 1975, stood alone. However, when read with the additional affidavit, dated the 1st May, 1975, filed and placed on the record on behalf of the respondent-University (to which no replication was filed nor the facts averred therein were sought to be challenged in the course of the arguments) the very factual foundation for the argument stands completely eroded. Mr. Gupta fairly conceded and even otherwise it is a matter hardly in dispute that to give statutory force to the Regulations, the respondent-University had either to frame them itself or adopt the Regulations of its sister University of Punjab in the identical mode and manner provided for the framing of these Regulations in the Guru Nanak University Act. Now the relevant provision therefor is Section 19 of said Act. This provides that the first statute of the University shall be made by the State Government and notified in the official gazette and thereafter either the Senate from time to time may make new or additional statutes or amend or repeal the earlier ones in the manner provided. This postulates a draft proposal by the Syndicate to the Senate which would be considered by the latter in its next succeeding meeting. The Senate may either approve such a draft and pass the statutes or amend them or return them to the Syndicate for reconsideration. Every new statute either as an addition to or as an amendment to the existing one then requires the approval of the Chancellor by virtue of sub-section (6) of the Act. The Chancellor is empowered to either sanction or disallow such a statute or remit it for further consideration. It is obvious from the aforementioned provisions that unless the meticulous procedure provided by section 19 of the Act is followed, no valid Regulation can be framed or adopted by the respondent-University.

(14) Once the legal position is clarified, the factual one does not remain in doubt. In the affidavit of the Registrar, dated the 1st of May, 1975, it is averred in terms that the fellows of the Guru Nanak University were in the first instance nominated on the 30th of June, 1970, and all other University bodies came into being thereafter. A

categorical assertion has been made that it was not till the 26th of September, 1970 that the first meeting of the Syndicate was held and similarly, the first meeting of the Senate of the respondent-University was held later on the 25th of October, 1970. Consequently it is stated by the respondent that prior to the 25th of October, 1970, no question of the adoption of the Rules or Regulations of the Panjab University Calendar of 1969 arises. This is manifestly so. If the relevant statutory bodies, like the Syndicate and the Senate were non-existent prior to June, 1970 and the very first meetings were held in September and October, 1970, then the very question of the adoption of the 1969 Regulations of the Panjab University in the year 1969 cannot possibly arise and indeed would be an impossibility in the eye of law.

(15) It is worthy of notice that neither in the body of the writ petition nor in the course of argument could the learned counsel for the petitioners pin-point any date, time, place and the contents of the resolution of the Syndicate or the Senate etc. by which the alleged adoption of the 1969 Regulations were effected. The averments on the point bordered not only on the vague but appeared to be wholly evasive and lacking in factual basis.

(16) It remains, however, to make a brief reference to the much ado that was made by the learned counsel for the petitioners about the vague averment made in paragraph 4 of the original written statement which partially and in qualified terms admitted that in the year 1969, the respondent-University had adopted the Regulations of the Panjab University. This was, however, more than amply clarified by the contents of para 4 of the affidavit of the Registrar, dated the 1st of May, 1975. This is in the following terms:—

“That the admission contained in para 4 of the written statement to the effect that in the year 1969 the Guru Nanak University had adopted all the Rules and Regulations of the Panjab University is in view of the provision of section 5(3) of the Guru Nanak University Act.”

Now a reference to sub-section (3) of section 5 of the Guru Nanak University Act makes the matter amply clear. To appreciate the issue fully it is necessary to set down the relevant provisions thereof *in extenso*:—

“5(1) \* \* \* \* \*

(2) \* \* \* \*



Balwinder Kumar, etc. v. The Guru Nanak University  
(Sandhawalia, J.)

- (3) Notwithstanding anything contained in any other law for the time being in force, any educational institution situated within the limits of the area specified under sub-section (1) shall, with effect from such date as may be notified in this behalf by the State Government be deemed to be associated with and admitted to the privileges of the University and shall cease to be associated in any way with, or be admitted to any privileges of the Panjab University; and different dates may be appointed for different institutions:

Provided that—

- (a) any student of any such institution affiliated to the Panjab University before the said date, who was studying for any degrees and diploma examination of the said University shall be permitted to complete his course in preparation therefor and the University shall hold for such students examinations in accordance with the curricula of study in force in Panjab University for such period as may be prescribed by the Statutes or Ordinances or Regulations, and

(b) \* \* \* \*

In order to correctly construe the import of the above-said provision, it is necessary to recollect that the respondent University came into existence by the promulgation of an Ordinance in 1969 which was later substituted by the Guru Nanak University Act, 1969. On the 16th of March, 1970, all educational institutions in the districts of Amritsar, Gurdaspur, Jullundur and Kapurthala were by notification declared to be transferred to the jurisdiction of this University. Nothing beyond the area above-said was to fall within the jurisdiction of the new University. The appointed date under section 5(3) was by notification declared to be the 30th of June, 1970.

(17) Viewed under the above-said background, the proviso to sub-section (3) of section 5 above-quoted makes it manifest that as a transitory measure, the Act had itself provided that the students of the Punjab University who in the mid-stream of their studies for any degree and diploma examination of that University had been transferred to the respondent-University would remain entitled to the protection of the earlier Statutes, Ordinances or Regulations of

the Punjab University. From the stage when the Act came into force and till the new admissions took place in the respondent-University, the above-said proviso governed the students of the Panjab University who by legislative fiat had been transferred to the jurisdiction of the respondent-University. To such students, the earlier Regulations contained in the Panjab University Calendar of 1969 would thus continue to apply. It was in the context of this position that the averments in paragraph 4 of the original written statement were made and have to be understood. Even in this paragraph it was in terms clearly averred by the Registrar that as regards the petitioners their admissions in July and August, 1970, were made on the basis of the criteria laid down in the Panjab University Calendar of 1970 for the academic year 1970-71. There is thus nothing on the record to show that the respondent University ever adopted the Panjab University Calendar of 1969 or that they had admitted any such position. Only the existing students of the Panjab University who were transplanted to the respondent-University were protected by the proviso of section 5(3) of the Act and the petitioners definitely and admittedly do not come within the ambit of that proviso. On their own showing they had first joined the University in July or August, 1970, in the M.B.B.S. degree Course and were never at any stage the students of the Panjab University as regards this course of study. Therefore, neither by the adoption of the relevant statute nor by the application of section 5(3) of the Act can the petitioners claim to be governed by the Panjab University Calendar of 1969.

(18) One may now proceed to examine as to what were the existing Regulations in force in the Panjab University when the respondent-University chose to adopt them in September and October, 1970. It is the common case that in the Panjab University Calendar 1969, Volume III, Regulation 7(1) (at page 261) had provided for the grant of 16 grace marks for the examinees in the M.B.B.S. Course. However an amendment to this was proposed by the Syndicate on the 21st of March, 1970, whereby substantial changes were made with the result that only four such grace marks would be available to a student of this course confined to the particular subject in which he failed. This amendment was approved by the Senate of the Panjab University on the 29th of March, 1970, and after the approval by the Government on the 18th of April, 1970, the amended Regulations were duly published in the Gazette on the 30th of May, 1970. This provision was, therefore, incorporated in the shape of Regulation 2(1) (at page 116)

Balwinder Kumar, etc. v. The Guru Nanak University.  
(Sandhawalia, J.)

---

of the Panjab University Calendar 1970, Volume I. It is thus manifest that at the highest on the 30th of May, 1970, the provision in the Panjab University Calendar 1969 regarding the concession of 16 grace marks had been erased and had ceased to be on the statute book having been duly substituted by the amended Regulation. Therefore, when the Syndicate of the respondent-University on the 26th of September, 1970, proposed the adoption of the existing Regulations of the Panjab University, the only provisions that could possibly be so adopted were those contained in the Panjab University Calendar of 1970 and no other. Any argument that even on these dates the University had adopted the previous and unamended Regulations of 1969 or had intended to continue any such provision appears to be entirely tautologous and without basis. A reference to the subsequent resolution of the Syndicate dated the 16th of January, 1971 (duly approved by the Senate on the 27th of March, 1971) would make it evident that the same was patently clarificatory and indeed nothing turns upon the construction of its language so far as the present case is concerned.

(19) It is equally of significance to note that the petitioners joined the M.B.B.S. Course in the Medical College, Amritsar, in July-August, 1970, on the basis of the prospectus issued by the said College. It has been clearly averred on behalf of the respondent-University that this prospectus pointedly stated that the University Examinations were to be conducted in accordance with the new Regulations of the Panjab University. A reference directly made to the relevant provisions of the prospectus again leaves no manner of doubt that the Regulations made applicable to the petitioners' case were those of 1970 and no other. Having joined the institution and studied therein on the basis of that prospectus, it hardly lies in the mouth of the petitioners to say anything to the contrary or now seek to claim the benefit of the Regulations of the 1969 Calendar of the Panjab University, which were never at any stage applicable to them.

(20) It was faintly argued on behalf of the petitioners that the respondent-University could not have functioned in a vacuum when it came into existence in 1969 and, therefore, the existing Regulations of the Panjab University must be deemed to have been adopted by it. I am unable to understand how any such fiction can be inherited in a matter which clearly requires the compliance with the mandatory provisions of section 19 of the respondent-University Act, to

which detailed reference has already been made. Even otherwise, I do not find any substance in the contention raised by the learned counsel for the petitioners. Reference in this connection may be made to section 5 of the Act in general and the proviso to sub-section (3) thereof in particular. This had made adequate provision for the transitional period before the University framed or adopted its own Regulations. Consequently the issue of any imperative need for the framing or the adoption of the Regulations would not necessarily arise at the very inception of the University. This was so because the students who were already governed by the Panjab University Regulations then existing were continued to be so governed for the duration of the Course or the curricula of studies which they had joined in the Panjab University earlier. It was only when the admissions to the affiliated institutions of the respondent-University were later directly made that the question of the adoption of specific Regulations arose. This was consequently complied with in the first instance by the adoption of the then existing Regulations contained in the Panjab University Calendar of 1970.

(21) Repelled on his primary contention, Mr. Gupta then fell back to seek shelter under the cloak of Article 14 of the Constitution of India. It was contended by him that the application of the Panjab University Calendar 1970 to the case of the petitioners was discriminatory and violative of the equality before the law guaranteed by the Constitution. This argument was sought to be rested on the ground that certain students who had migrated to the respondent-University in 1970 or 1971 were being given the benefit of the earlier 1969 Regulations whilst these were being denied to the petitioners.

(22) The above-said argument has obviously to be only noticed and rejected. To claim the benefit of Article 14 of the Constitution of India, it is elementary that the petitioners must show that there is a complete or substantial identity of circumstances betwixt them and others and despite such identity they were being unequally treated. In sum, they must show that there has been an unequal treatment betwixt equals. Now, here it is patent that the petitioners are not persons who have migrated from any other University and, therefore, have no similarity or identity of circumstances with the case of those students who have joined the respondent-University later as such. Again it has to be noticed that the persons who have migrated to the University later and who have been granted the benefit of 1969 Calendar had all joined the M.B.B.S. Course in other

Balwinder Kumar, etc. v. The Guru Nanak University  
(Sandhawalia, J.)

---

Universities either in 1969 or prior to that year. The clear and intelligible line of demarcation drawn by the University is that those persons who had originally joined the M.B.B.S. Course either in the Panjab University or other Universities in or prior to 1969 would continue to have the benefit of the then existing Regulations. On the other hand the petitioners and those like them who joined in the next academic year of July-August, 1970, had later on to be governed by the existing Regulations of the Panjab University, which were clearly contained in the Calendar of that year and of which they had adequate notice. Admittedly none of the petitioners had ever joined the M.B.B.S. Course prior to 1969 in any other University and, therefore, their case far from being similar is entirely distinct and distinguishable from those students who were already studying under the relevant Regulations existing in the year 1969 or earlier thereto. This apart, there is then the sharp distinction that the petitioners joined the institution on the basis of the clear provision in the prospectus that they were to be governed by the 1970 Regulations of the Panjab University. On the other hand no such identity of circumstances arises in the case of those migrating students from other Universities who had joined the M.B.B.S. Course prior to 1969 and which Universities may well have had different provisions regarding the provision of grace marks. Further it has to be seen that migrating students joined the University on particular undertakings and specific agreements to bind them as to the Regulations which were to apply in their case. To my mind, no case of any discrimination at all or of any violation of Article 14 of the Constitution is made out. Indeed in view of Section 5(3) of the Act and the proviso thereto, when considered in the light of the circumstances of the creation of the University, the line drawn between the existing students in 1969 or prior thereto of the Panjab University and similar students in other Universities as against the petitioners who joined in 1970 (with the clear knowledge that the 1970 Calendar was to apply to them) is patently distinct, reasonable and meaningful.

(23) No other contention has been raised and finding no merit in those noticed above, I would dismiss this writ petition with costs. Counsel's fee Rs. 200.

TEWATIA, J.—I agree.

PATTAR, J.—I agree.