



Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.2/2020

Date of Order: 24.11.2021

Dr. Nilesh K. Jaybhaye Vs. Union of India & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : In-person
For the Respondent(s) : Mr. K Paul, CGC with
Mrs. R Dutta, Adv

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

1. There is nothing which survives of this appeal as the writ petitioner obtained complete benefit by the judgment and order impugned.

As a matter of fact, the appellant cannot even be considered to be a person aggrieved by the judgment and order impugned dated November 20, 2019.

2. The writ petition carried two major prayers: the first pertained to a notice dated August 30, 2019 by which the writ petitioner was required to submit his thesis by October 15, 2019; and, the second was for an extension of time for the petitioner's thesis to be submitted.

3. The operative part of the order impugned provides, inter alia, as follows:-



“6. ... However, without making any comment on the conduct of the petitioner, this Court taking into consideration the fact that the petitioner has already spent 6 years of his life to the studies, deems it appropriate to direct that if the petitioner submit his Thesis by 31.12.2019, the respondent shall accept the same and shall programme and hold the Final University Examination with an intimation to him. It is made clear that if the petitioner fails to avail of this direction, he shall be doing so at his own peril.”

4. The writ petitioner failed to meet the deadline in terms of the order. However, the respondent-institution was gracious enough to receive the writ petitioner's thesis some time in September, 2020. Subsequent thereto, the writ petitioner was permitted to take the final examination and the respondent-institution reports that the writ petitioner has cleared the final examination and has been conferred MD (Anatomy) degree.

5. In view of the events subsequent to the passing of the judgment and order impugned dated November 20, 2019 and the graciousness shown by the respondent-institution, nothing survives of this appeal. It may, however, be recorded that the appellant attempts to assert that there is some further cause to pursue.

6. Whatever such imaginary, if any, cause may be, it would not be covered by the prayers in the writ petition. The writ petition was of limited scope. The writ petitioner obtained substantial relief before the court of the first instance. In any event, the entire purpose of the writ petition has been



served out upon the petitioner's thesis being accepted and the petitioner being conferred the degree.

7. WA No.2 of 2020 is disposed of. There will be no order as to costs.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
24.11.2021
"*Lam* DR-PS"

