
(2022) 06 UK CK 0061

In the Uttarakhand High Court

Case No : Special Appeal No. 130 Of 2022

Jyoti And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 20-06-2022

Acts Referred:

Citation : (2022) 06 UK CK 0061

Hon'ble Judges : S.K. Mishra, J;R.C. Khulbe, J

Bench : Division Bench

Advocate : Prateek Tripathi, B.P.S. Mer, Sanjeev Agarwal, Parikshit Saini

Final Decision : Dismissed

Judgement

S.K. Mishra, J

1. In this intra-Court appeal, the appellants, being the students of MBBS course in Himalayan Institute of Medical Sciences, takes exception to the judgment passed by the learned Single Judge on 26.04.2022 in Writ Petition (M/S) No. 2566 of 2018, whereby the learned Single Judge decided a bunch of Writ Petitions, and held that the Writ Petitions are without merit and dismissed the same.

2. A similar matter came before us arising out of the same judgment in which the bunch of Writ Petitions were disposed of being Special Appeal No. 125 of 2022, wherein an initial objection was taken up by Mr. Sanjeev Agarwal, the learned counsel for Himalayan Institute of Medical Sciences, regarding the maintainability of the Special Appeal. This Court, after taking into consideration various arguments advanced and especially the reported cases of Intezar Hussain and another v. State of Uttarakhand and others; 2015 (2) U.D. 261 and M/s Hotel Urvashi v. Uttarakhand Power Corporation Ltd. and another; 2020 (2) U.D.33 passed by this Court held that the Special Appeal is not maintainable.

3. Since we have already held that the Special Appeal is not maintainable as per

our judgment dated 10.06.2022 passed in Special Appeal No. 125 of 2022, we hold that the present Special Appeal is not maintainable. Hence, the present Special Appeal is, hereby, dismissed as not maintainable.

In sequel thereto, all pending applications stand disposed of.

There shall be no orders as to cost.

Urgent certified copy of this order be supplied to the learned counsel for the parties, as per Rules.