
(1999) 12 SC CK 0088
In the Supreme Court Of India
Case No : Slp (C) No. 16437 Of 19991

Kurukshetra University and Another

APPELLANT

Vs

Ramesh Gupta

RESPONDENT

Date of Decision : 01-12-1999

Acts Referred:

Citation : (2000) 10 SCC 68

Hon'ble Judges : M. B. Shah, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. The University has assailed the decision of the High Court of Punjab and Haryana calling upon the University to enforce the resolution of the Executive Council dated 26-4-1994 by which resolution the Executive Council approved the recommendation of Justice Sodhi and decided the salary to be paid to an employee of the University. From the facts narrated, it appears that earlier the University itself did consider the question of salary to the employee concerned and by a resolution dated 16-11-1985 did not grant the relief in question. That resolution of the University dated 16-11-1985 became final inasmuch as the writ petition filed against the same was dismissed and special leave petition to this Court was also dismissed in 1986. Notwithstanding the finality to the aforesaid decision of the University a fresh representation on being filed by the employee in the year 1994, the Executive Council thought it fit to refer the said representation to a committee headed by Justice Sodhi, and that Committee on consideration of all the relevant materials decided as to what the salary of the employee ought to be and with effect from which date. The said recommendation of the Justice Sodhi Committee was given approval by the Executive Council by its resolution dated 26-4-1994. But notwithstanding the aforesaid resolution of the Executive Council, as the same was not implemented by the University, the employee concerned approached the High Court for issuance of writ of mandamus to the University to follow the directions contained in the resolution.

The High Court by the impugned order having issued the necessary direction, the University has approached this Court. Mr Sanghi appearing for the University contends that the High Court had no jurisdiction to issue any mandamus to the University to grant relief to the employee concerned as per the resolution of the Executive Council dated 26-4-1994. He, further, contends that the said resolution of the Executive Council is nonest, the same not being in accordance with the provisions of the Statute. On examining the relevant materials of the University Statute, we do not find any force in the same. The Executive Council is a part of the University itself under the University Statute.

2. The Chancellor has the power to annul any proceedings of any authority of the University which in his opinion is not in conformity with the Act, Statute or the Ordinance. The resolution of the Executive Council being of the year 1994 and the Chancellor not having exercised that power in accordance with the Statute, it can well be assumed that the said resolution is in conformity with the provisions of the Statute or the Ordinance or at least the Chancellor himself never thought it fit to interfere with the said resolution of the Executive Council. Once the resolution of the Executive Council is not being annulled by the Chancellor in exercise of his powers, then the benefits flowing from that resolution can certainly be enforceable by a court of law by issuing a mandamus to the University, who is no other than an authority on whom a writ can be issued. We, therefore, see no infirmity with the impugned direction of the High Court so as to be interfered with by this Court. The special leave petition is dismissed.