
(2009) 01 AHC CK 0091

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1621 of 2009

Ram Nagina Mishra

APPELLANT

Vs

Vice-Chancellor C.C.S.University, Meerut and others

RESPONDENT

Date of Decision : 13-01-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 01 AHC CK 0091

Hon'ble Judges : Rakesh Tiwari, J

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—This case has been taken up on day's list in view of the urgency application moved by the learned Counsel for the petitioner.

2. Heard learned Counsel for the petitioner and Sri Anurag Khanna, learned Counsel for respondent Nos. 1 and 2.

3. It appears that the petitioner was admitted in I.P.E.M. Ghaziabad for B.C.A. course 200607. He completed four semester successfully at I.P.E.M. Ghaziabad. Due to threats to his life, the petitioner moved an application before the Hon'ble Minister for Higher Education, Government of U.P. Lucknow for his transfer to another institution on 11.12.2008. Consequently, the petitioner was transferred to the Institute of Informatics and Management Service Anuyogipuram Garh Road, Meerut where he was admitted in Vth Semester 200809. The aforesaid transfer order has also been approved by the ViceChancellor, Chaudhary Charan Singh, University, Meerut. Thereafter the scheme for examination programme for B.C.A. Vth Semester (Main and Back paper) January, 2009 was published on 21.12.2008. The examinations were to be commenced in the month of January, 2009.

4. Learned Counsel for the petitioner submits that the petitioner has then deposited the routine tuition fee of Rs. 20,000/ and has submitted his examination form before the respondent University which was refused by the

university on the ground that it could not be accepted without payment of late fee. Thereafter the petitioner submitted his examination form along with a pay order of Rs. 2,220/ and he was again informed that Rs. 50/ is also to be deposited by demand draft then only his form will be accepted. Then the petitioner went to the University along with demand draft of Rs. 50/. The University has refused to accept the examination form of the petitioner on the ground that the last date of submission of the form is over. There appears to be colorable exercise of powers by the respondent University as the petitioner has approached the university as far as back on 27.12.2008 for deposit of fee. Immediately thereafter the petitioner has made efforts to deposit the examination fee along with late fee on 28.12.2008 which has been refused by the University on one ground or another. It is not a case of short attendance or any other matter of the respondent University. The only ground for disallowing the petitioner is that he has not been able to deposit the examination fee in time.

5. Considering the facts and circumstances of the case the respondent university is directed to accept the examination form along with fee tomorrow. Shri Anurag Khanna, learned Counsel for the University shall also inform the authority of the University about this order. The petitioner shall be permitted to appear in Vth semester examination but his result shall be subject to the decision of the writ petition.

6. Let counteraffidavit be filed within a period of 3 weeks by the respondents. Rejoinder affidavit may be filed within 2 weeks thereafter.

List thereafter.

Let a copy of this order be supplied to the learned Counsel for the petitioner on payment of usual charges today. Ordered Accordingly.