

(2010) 11 AHC CK 0253
In the Allahabad High Court
Case No : Writ C No. 66098 of 2010

Subhash Mahavidyalaya

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 10-11-2010

Acts Referred:

Citation : (2010) 11 AHC CK 0253

Hon'ble Judges : Shishir Kumar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Shishir Kumar, J.—The sole relief pressed for by the learned Counsel for the Petitioner at the time of hearing of this petition is for a direction upon the Chhatrapati Shahu Ji Maharaj University, Kanpur (hereinafter referred to as the "University") to permit the students of the Petitioner-Institution admitted to the B. Ed. Course in the Session 2006-07 to appear at the examination scheduled to commence from 10th April, 2010 in terms of the Government Order dated 9th January, 2009 and the judgment and order dated 23rd February, 2009 of the Supreme Court in Special Leave to Appeal No. 12864 of 2008 connected with other such Appeals.

2. It is stated in the petition that pursuant to the orders passed by this Court and the Supreme Court, the students of other Institutions are being permitted to appear at the examination scheduled to commence from 10th April, 2010, but merely because the Petitioner-Institution had not filed any writ petition, its students are not permitted to appear at the examination though the Petitioners have repeatedly been representing to the University to permit the students to appear at the examination pursuant to the aforesaid orders since their students are similarly situated.

3. Learned Standing Counsel appearing for Respondent No. 1 and Sri Neeraj Tiwari, learned Counsel appearing for Respondent Nos. 2, 3 and 4 state that it is

not necessary to file a counter affidavit and the petition may be disposed of at this stage.

4. On 7th April, 2010, in a similar matter, time was granted to Sri Neeraj Tiwari, learned Counsel appearing for the Respondent-University to seek instruction whether it would be possible for the University to make arrangements for holding the examination for the students of the Petitioner-Institution within a short period of two or three days. Sri Neeraj Tiwari stated that it will not be possible for the University to hold the examination of these students from 10th April, 2010.

5. Learned Counsel for the Petitioner states that after some time the University will also be holding examination of the students admitted in the Session 2008-09 after the third counselling and, therefore, the students of the Petitioner-Institution may be permitted to appear at the said examination since the Petitioner-Institution is similarly situated as the other Institutions who had been granted permission by the High Court and the Supreme Court.

6. It is for the University to examine whether the students of the Petitioner's institution are situated similarly as the students who had been granted permission by the High Court and the Supreme Court to appear in the examination which according to Petitioner and Respondent is likely to be held in the month of November 2010, but if the University comes to the conclusion that they are similarly situated, the Court has no reason to doubt that the students of the Petitioner's institution shall also be permitted to appear in the examination which will be held afterwards for the students admitted in the Session 2008-09 after the third counselling.

7. The writ petition is disposed of subject to the aforesaid observations.