

(2014) 02 UK CK 0018

In the Uttarakhand High Court

Case No : Writ Petition No. 207 (M/S) of 2014

Veekay Singh and Another

APPELLANT

Vs

Uttarakhand Technical University and Others

RESPONDENT

Date of Decision : 04-02-2014

Acts Referred:

Citation : (2014) 103 ALR 658

Hon'ble Judges : Umesh Chandra Dhyani, J

Bench : Single Bench

Advocate : Gopal K. Verma, Advocate for the Appellant; Shailendra Nauriyal, Mrs. Beena Pande, Standing Counsel, Mohit Paul and H.M. Bhatia, Advocate for the Respondent

Judgement

U.C. Dhyani, J.—As prayed, four weeks" time is granted to the respondents to file counter-affidavits. List four weeks hence. In Writ Petition No. 79 (M/S) of 2014 [with W.P. No. 73 (M/S) of 2014], the Co-ordinate Bench of this Court directed on 8.1.2014, as under:

In view thereof, as an interim measure, it is directed that the petitioners/Institute who have deposited half of the examination fee from its own finds for the moment, the Uttarakhand Technical University shall accept the same and permit the students to appear in the examination. The remaining half of the examination fee shall be deposited immediately when the petitioners/Institute receives the amount from the Uttar Pradesh Government. Meanwhile, if there are any general category students who are not being allowed to appear in the examination, they shall be allowed to appear in the examination subject to the deposition of examination fee. However, this permission is only provisional and it will be subject to the final determination in the writ petition.

It is the contention of learned Counsel for the petitioners that the order dated 8.1.2014, passed by Hon"ble Vacation Judge is not being complied with by respondent No. 1. Respondent No. 1 is not permitting the students to appear in the examination, which are scheduled to commence on 7.2.2014.

2. When this Court made a query from learned Counsel for respondent No. 1, he replied that respondents No. 3 and 4 have not deposited half of the examination fee from its own funds, as was directed by learned Vacation Judge on 8.1.2014 and, therefore, the Uttarakhand Technical University has not permitted the students to appear in the examination. When learned Counsel for respondents No. 3 and 4 was confronted with the question as to why half of the examination fee has not been deposited, learned Counsel submitted that they have deposited Rs. 3 lac as half of the examination fee from its own funds. Learned Counsel for respondent No. 1 thereafter contended that an amount of Rs. 36 lac is still outstanding against respondents No. 3 and 4, to be paid as half of the examination fee. He admitted that Rs. 3 lac has been deposited by respondents No. 3 and 4, who wanted the break up/details of such calculation, to which learned Counsel for respondent No. 1 submitted that he can do so only if some time is granted to him by this Court for the same. So, the controversy between respondents No. 3 & 4 and respondent No. 1 is regarding the calculation of half of the examination fee/which can be sorted out by the Court in the course of hearing of the present writ petition.

3. Since the examinations are going to start from 7.2.2014, therefore, this Court cannot permit the fate of the students to be left at the mercy of the respondents especially when an order was passed by the Co-ordinate Bench of this Court on 8.1.2014 to enable the students to appear in the examination.

4. It is accordingly reiterated and provided what was directed by the Coordinate Bench of this Court on 8.1.2014 without entering into the controversy, as of now, as to whether Rs. 36 lac is still required to be deposited by respondents No. 3 and 4 (the fact remains that Rs. 3 lac has been deposited by respondents No. 3 and 4 with respondent No. 1), which controversy shall be adjudicated upon by the Court at an appropriate occasion, as the same requires exchange of pleadings between the parties.

5. It is provided in the interest of justice that the Uttarakhand Technical University shall permit the petitioner-students to appear in the examination. As was directed in order dated 8.1.2014, the permission is only provisional and it will be subject to the final determination in the writ petition. Urgency Application No. 582 of 2014 and Interim Relief Application No. 664 of 2014 stands disposed of.