

Court No. - 5

Case :- WRIT - C No. - 43297 of 2023

Petitioner :- C/M Smt. Vimala Devi Mahavidyalay Bhamai

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shachindra Kumar Mishra

Counsel for Respondent :- C.S.C.,Agarwal Archi Piyush

Hon'ble Piyush Agrawal,J.

Heard learned counsel for the petitioner, learned ACSC for State - respondents and learned counsel for respondent no. 2.

In pursuance of the earlier order of this Court, instructions have come, which are taken on record.

On perusal of the instruction dated 16.12.2023, it transpires that the respondent no. 2, i.e., Registrar of the University, has not whispered a word about the query made by this Court vide order dated 15.12.2023.

Learned counsel for the respondent no. 2 submits that an information/oral instruction has been received from the respondent no. 2 on her mobile phone that due to oversight of the concerned Clerk and technical glitch, out of 60 students of additional section, only 20 students were permitted to submit their fees and other formalities.

On the pointed query to the learned counsel for the respondent that once 20 students of the same section have been permitted, then why the remaining 40 students would suffer on account of action or inaction on the part of the respondents, counsel for the respondent could not reply the same.

Since every semester/examination is important for the future career of students, they should not be made to suffer merely on account of the fault of the respondent or the College as indicated in the last instructions dated 16.12.2023.

In view of the above, the respondent no. 2 is directed to permit the remaining 40 students of the additional section to participate in the examination forthwith and in case the date of examination is expired, they shall permit the 40 students to appear in the supplementary examination.

Since the last instruction of the respondent no. 2 shows that some formalities have not been completed by the petitioner - Institution before taking admission of 60 students in the additional section, the petitioner shall deposit a sum of Rs. 2 lacs with the Registrar General of this Court on or before 19.12.2023. Further, an affidavit of deposit of Rs. 2 lacs, along with receipt, shall be filed by the petitioner by 20.12.2023 and copy of this order, along with deposit, shall also be submitted before the District Magistrate, Prayagraj.

In the event of failure to comply with the directions made herein-above, the District Magistrate, Prayagraj shall forthwith recover the amount of Rs. 2 lacs from the petitioner, along with incidental charges within next three days, i.e., upto 23.12.2023, and deposit the same with the Registrar General of this Court.

The petitioner shall not be permitted to withdraw this writ petition.

List again as fresh on 23.01.2024 for further hearing.

In the meantime, learned counsel for the parties may exchange affidavits.

Let the Registrar (Compliance) of this Court communicate this order to the District Magistrate, Prayagraj within 24 hours.

Order Date :- 16.12.2023

Amit Mishra