

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

WPC No. 84 of 2024

Mahaveer College of Ayurvedic Science & Another

Versus

Union of India & Others

09/01/2024	Heard Mr. Rajeev Shrivastava, learned Senior Advocate, assisted by Ms. Surya Kawalkar Dangi, learned counsel for the petitioners. Also heard Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for respondents No. 1 & 5, Mr. Jitendra Pali, learned Deputy Advocate General, appearing for the State and Mr. Ajay Kumar Dwivedi, learned counsel, appearing for respondent No. 4. Learned Senior Advocate for the petitioners argued that the petitioner had earlier filed WPC No. 9062 of 2021 before the Delhi High Court and on 21.01.2021, a status-quo order was passed after hearing the respondents counsel. The order dated 21.01.2021, reads as under: “1. The petition was scheduled to be listed on 18.10.2021 but has been taken up today in view of the notification of this court dated 11.10.2021. 2. The captioned writ petition has been filed against an order dated 28.07.2021 by which the Union of India [“UOI”] ordered that the admissions taken by the petitioner for the year 2020-21 are to be treated as null and void. The petitioner relies upon an order

dated 06.08.2019 passed by the Chhattisgarh High Court in WP(C) 1821/2019 and order dated 18.03.2021 passed by this Court in WP(C) 3568/2021. According to the petitioner, the aforesaid orders permitted the petitioner to conduct counselling at its own level and also protected the admissions of students who had already been admitted.

3. Notice was issued in the writ petition on 26.08.2021. By the order dated 26.08.2021, this Court also directed that any action taken by the respondents pursuant to the impugned order of the UOI will abide by the result of the writ petition. Although notice was accepted on behalf of the UOI, and service is also stated to have been completed upon the respondent No. 3-University, the respondents remain unrepresented today.

4. In the meanwhile, the petitioner has filed CM APPL. 36658/2021 bringing to the notice of the Court that the respondent No. 3-University has written a letter dated 22.09.2021, addressed to the Chhattisgarh Informatics Promotion Society [with a copy to the petitioner], in which the position has been taken that the admission of the admitted students will be treated as cancelled with effect from 20.03.2021.

5. It *prima facie* appears from the orders relied upon by the petitioner-institution that the admission of the students who had already been admitted was protected. The students are in the midst of their course. The respondents have not filed any counter

affidavit to controvert the allegations in the writ petition, despite the directions in paragraph 5 of the order dated 26.08.2021.

6. In these circumstances, the respondents are directed to maintain *status quo* with regard to the students who have already been admitted in the petitioner-institution for the academic session 2020-21 until the next date of hearing. This order is subject to the result of the writ petition will not create any special equities in favour of the said students.

7. In the meantime, Mr. Jasbir Singh Malik, learned counsel for the petitioner is also directed to serve the respondent nos. 2 and 3 afresh *dasti*, and file an affidavit of service within two weeks from today.

8. The respondents may file counter affidavits to the writ petition and replies to the pending applications within four weeks after service. Rejoinders thereto, if any, may be filed within two weeks thereafter.”

Thereafter, the matter was ultimately disposed off by the Delhi High Court on the ground that the petition before the Delhi High Court was not maintainable, however, the interim order was allowed to continue for a period of 30 days vide the order dated 13.12.2023. It is stated by the learned Senior Advocate that the students are continuing their studies in the college of the petitioners.

After the disposal of the petition by the Delhi High Court, the

petitioners has preferred the present writ petition as there was an interim order in favour of the petitioners, whereby the interest of the students were protected and they were allowed to continue their studies in the Institute of the petitioners, we deem it proper that the said students are allowed to continue their studies in the college of the petitioners because it concerns the career of the students and they cannot be put at any fault during the mid session. The counsel for the respondents would not deny the said fact.

Four weeks' time, as prayed for, is granted to the respondents to file their return-affidavit. Thereafter, two weeks' time is granted to petitioners to file rejoinder-affidavit.

List this case thereafter.

Mr. Vaibhav A. Goverdhan, learned counsel submits that his name has been wrongly mentioned in the cause-list as counsel on behalf of the respondent No. 5.

Registry is directed to delete the name of Mr. Vaibhav A. Goverdhan, learned counsel, from the cause-list.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice