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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

CM Nos.15737 & 15639/2018 in
+ W.P.(C) 1970/2011

VIJAY KUMAR SHARMA Petitioner
Through : Mr.Rupesh Kumar, Adv. for
Mr.Rakesh Kumar, Adv.

versus

NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS & ORS ... Respondents
Through : Ms.Maninder Acharya, ASG
with Mr.Arun Bhardwaj, CGSC,
Mr.Sahil Sood, Mr.Viplav Acharya and
Mr.Harshul Chaudhary, Adv. and
Mr.Monu Kumar, ASO for R2 & 3
Mr.Wasim Qadri, Mr.Zeba Khair and
Dr.Amit George, Adv. for R-4 & 5
Mr.Arvind K.Nigam, Sr.Adv. with
Mr.Tarique Siddiqui, Mr.Ahmad
Shahrooz, Ms.Reetika Gupta,
Mr.M.A.Hasan, Ms.Harsh Priya,
Mr.Mehtaab Singh Sandhu, Mr.Mikhil
Sharda and Mr.Rakshan Ahmed, Adv.
for R-6.
Mr.M.R.Shamshad and Mr.Aditya
Samddar, Adv. for R-8

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **24.04.2018**

CM Nos.15637/2018 & 15739/2018 (for recalling of order dated
13th March, 2018 passed in CM No.9582/2018)

1. Issue notice to the non-applicants.
2. Learned counsels appearing for the non-applicants accept notice.
3. By these applications respondent Nos.5 and 8 seek recalling of order dated 13th March, 2018 whereby we had allowed CM No.9582/2018.
4. CM No.9582/2018 was filed by the respondent No.2 herein by which the respondent No.2 has sought permission to “substitute a revised affidavit in place of the existing affidavit with respect to the Minority status of Jamia Millia Islamia University”. The applicants make a grievance that no advance copy of the said application was received and for this reason, they were unrepresented before this court when the order dated 13th March, 2018, allowing the CM No.9582/2018, was granted.
5. We find merits in this submission. On 13th March, 2018, when the application came to be listed, we had erroneously omitted that there are other parties to the writ petition who could be effected by the grant of the prayer made in the application.
6. We also did not have any opportunity to consider the affidavit which stood filed by the Union of India as back as in the year 2011 from the nature of the substitution of pleas which were being sought by way of CM No.9582/2018.
7. It is trite that only effected parties are entitled to be heard before passing of an order which could impact the rights of the parties.
8. In view thereof, the order dated 13th March, 2018 is recalled.

These applications are allowed and the CM No.9582/20018 is restored and directed to be taken up today itself for consideration.

CM No.9582/2018

9. Issue notice to the non-applicants.
10. Learned counsels appearing for the non-applicants accept notice and seek time to file reply. Let the same be filed within four weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.
11. List on 14th August, 2018.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

APRIL 24, 2018/rk