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SLP(C)No. 1611 OF 2001

ITEM No.60

Court No. 7

SECTION IX  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.1611/2001

(From the judgement and order dated 27/12/2000 in SCA 11464/00  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

VIJAY VISHWASRAO KADAM & ORS.

Petitioner (s)

VERSUS

JAY T. SHAH & ORS.

Respondent (s)

(With prayer for interim relief)  
( With Appln(s). for permission to file SLP &  
clarification/directions)

Date : 16/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Ramesh P. Bhatt, Sr. Adv.  
Mr. M.N. Shroff, Adv.  
Mr. Chirag M. Shroff, Adv.

For Respondent (s) Mr. Yashank Adhyaru, Sr. Adv.  
Ms. Alka Agarwal, Adv.  
Ms. V.D. Khanna, Adv.  
Ms. Nirmala Gupta, Adv.  
M/s I.M. Nanavati Associates, Adv.

Mr. Chava Badri Nath Babu, Adv.  
Mr. Bimal Roy Jad, Adv.

Ms. Kumud Lata Das, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....J  
.SP2

Leave granted.

Appeal is allowed in part in terms of the signed  
order placed on the file.

.SP1

(Meenu Sethi)  
Court Master

(Om Prakash)  
Court Master

Signed order is placed on the file

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.....L.....I.....J  
.....L.....T.....T.....T.....T.....T.....T.....J.....  
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..2795...OF 2001@@

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(Arising out of Special leave petition(C) No. 1611/2001)

Vijay Vishwasrao Kadam & Ors. .. Appellants

Vs.

Jay T. Shah & Ors. .. Respondents

O\_R\_D\_E\_R@@

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.....L.....I.....T.....T.....T.....T.....T.....J.....  
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Leave granted.

In respect of certain students who were studying in various Engineering Colleges in the state of Gujarat transfers were ordered from one College to another. On the allegation that there have been transfers beyond the permissible 5% limit and in some cases it is to the extent of 26.4%,37%,28.8%,21% and so on, the High Court has set aside the transfers except in six cases that were presented before it. Considering the fact that these students have been transferred from one college to another and have been pursuing their career in the transferred colleges and they have been accommodated in those colleges and they cannot go back to the college from which they have been transferred, we do not think it equitable to disturb their career at this stage of proceedings. While maintaining the observations made by

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the High Court, we think it appropriate to set aside that part of the order by which transfers have been cancelled. This order has been made in view of the special features of this case. The appeal is allowed accordingly to the extent stated above.

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.....J@@  
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( S. RAJENDRA BABU )@@  
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.....J@@  
AAAAAAAAAAAAAAAAAAAA  
(K.G. BALAKRISHNAN)

New Delhi,@@  
AAAAAAAAA  
April 16, 2001