



SLP and office report)

Date: 25/02/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Shrish Kumar Misra, Adv.  
Mr. Ajay Kr. Singh, Adv.  
Mr. Mukul Singh, Adv.

For Respondent(s) Ms. Mukti Chowdhary, Adv.  
Mr. Abhishek Choudhary, Adv.

UPON hearing counsel the Court made the following

O R D E R

The application filed by the petitioner for permission to file the special leave petition is allowed.

Delay condoned.

These petitions are directed against different orders passed by the Division Bench of the Allahabad High Court at Lucknow whereby the writ petitions filed by the respondents were allowed and the petitioner was directed to conduct examination for the students who were admitted to B.Ed course for the academic session 2006-2007.

A perusal of the record shows that the issue relating to entitlement of the students who were admitted by the private educational institutions without following the relevant statutory provisions was considered by the Full Bench of the Allahabad High Court in *Tuples Educational Society and another v. State of U.P.* (2008) 3 ALJ 673 and answered in negative. The Full Bench held that the students who were admitted to B.Ed.

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course otherwise than on the basis of counseling conducted by the University are not entitled to be admitted in the examination.

The judgment of the Full Bench was challenged in SLP(C) Nos. 12864-12867 of 2008 and other connected matters. During the pendency of the special leave petitions, a statement was made on behalf of the State of Uttar Pradesh and Purvanchal Vishwavidyalaya as also Agra and Meerut Universities that they are going to hold examinations for the students admitted by the private colleges in 2005-2006 and 2006-2007. In view of this development, the petitioners withdrew the special leave petitions, which were disposed of as such leaving the question of law open to be decided in an appropriate case.

Since the petitioner-University did not permit the students admitted by the respondents for the academic session 2006-2007 to take the examination, the concerned colleges filed writ petitions before the High Court which have been allowed by the impugned orders.

We have heard learned counsel for the petitioner and perused the record. Since it was not disputed before the High Court that students were admitted by the respondents in the same manner in which the colleges affiliated to Agra, Meerut and Purvanchal Universities had been admitted and the students of those three Universities were allowed to take the examination, it is not possible to find any fault with the direction given by the High Court for holding examination for the students admitted by the respondents for the session 2006-2007 otherwise than through the centralized counseling.

The special leave petitions are accordingly dismissed. However, it is made clear that this order or for that reason order dated 23.2.2009 passed in SLP(C) Nos.12864-12867 of 2008 and batch shall not be treated as precedent for future and the

State Government and all the Universities shall strictly follow  
the ratio of the judgment of the Full Bench in Tuples

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Educational Society and another v. State of U.P. (supra).

Copies of this order be sent to the Chief Secretary, State  
of Uttar Pradesh and the Vice-Chancellors and Registrars of all  
the Universities in the State of Uttar Pradesh who have granted  
affiliation to the private colleges for conducting B.Ed.  
courses.

While dismissing the special leave petitions, we consider  
it necessary to record our strong disapproval of the frivolous  
litigation filed by an institution which is called University  
and the insensitiveness of the officers of the University who  
sanctioned filing of these special leave petitions despite  
dismissal of batch of similar special leave petitions on  
03.01.2011.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master