

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(s).5082/2007

(From the judgement and order dated 13/11/2006 in CMA No. 223113/2006 and

210132 in CMA No. 32844/1997 & of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ANR.

Petitioner(s)

VERSUS

SATISH CHATURVEDI & ANR.

Respondent(s)

(With prayer for interim relief and office report )

Date: 30/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s) Mr. Harish N. Salve, Sr.Adv.

Mr. Dinesh Dwivedi, Sr.Adv.

Mr. T. Mahipal, Adv.

Mr. Pradeep Misra,Adv.

For Respondent(s) Mr. P.P. Rao, Sr.Adv.

Mr. Raju Ramachandran, Sr.Adv.

Mr. Shrish Kumar Misra,Adv.

Mr. P. Vijay Singh, Adv.

Ms. Abha R. Sharma, Adv.

Ms. Shikha Sapra, Adv.

Ms. Shefali Jain, Adv.

Ms. Sunita Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The civil appeal is disposed of in terms  
of the signed order.

(MEERA HEMANT)  
Asstt. Registrar

(VEERA VERMA)  
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1812 OF 2007

(arising out of S.L.P. (C) No. 5082 of 2007)

State of U.P. & Anr.

...Appellants

Versus

Satish Chaturvedi & Ors.

...Respondents

O R D E R

Leave granted.

Heard counsel for the State of U.P. and also counsel for the  
respondents.

The State of U.P. is challenging the order of the Allahabad High  
Court in Civil Miscellaneous Writ Petition No. 32844 of 1997. The Moti

Lal Nehru College and Swarup Rani Memorial Hospital were originally started by the State of U.P. and affiliated to the University of Kanpur.

Later these were affiliated to the Allahabad University. The entire administration including the appointment of the staff, payment of salary and admissions to the college were by the State of U.P.

The Union of India passed University of Allahabad Act 2005 (Central Act No. 26 of 2005) under the provisions of which these two institutions are treated as the Central University Colleges. Though, the

:2:

Act had come into force with effect from 14.7.2005, it appears that the entire administrative control of these two institutions was not physically made over to the Allahabad University. According to the State as far as the college and hospital are concerned, there was a public interest litigation pending before the High Court of Allahabad. The writ petition was mainly concerning lack of facilities to the members of the staff as also the patients who had been attending the hospital. The High Court passed various orders in that public interest

litigation.

While so, three doctors filed an application in the pending writ petition alleging that despite commencement of the Central Act No. 26 of 2005, administration of the hospital and the college was not handed over to the Executive Council of the University and prayed that necessary directions may be issued to the Vice Chancellor of the University to implement the resolution of the Executive Council of the University taken in the meeting dated 21.3.2006 in regard to the said College and Hospital. The High Court passed an order on 28.04.2006 directing the State Government to confirm that it had no objection to the decision taken by the Centre and the Executive Council of the University in the matter. The High Court passed some further orders directing the Central Government to complete the necessary formalities

:3:

for integration of the college and its associated Hospital with Allahabad University before 1.10.2006. Thereafter the State Government filed applications for modification of the orders dated 28.04.2006, 7.7.2006, 21.7.2006 and 25.8.2006 and for clarifications. In that applications,

the impugned order dated 13.11.2006 was passed and it was inter alia

held that:

"The submission of the learned Advocate General that as the MLNC was a Constituent College of the University under the State Universities Act it should have continued as a Constituent College of the University under the provisions of the Central Act, 2005 particularly in view of the provisions of Section 8(2) of the Act cannot also be accepted. It was for the legislation in its wisdom to determine whether a particular College/Institute should be a University College or not and under Statutes 30(4) of the First Statutes of the University the MLNC and SRNH have been declared as University Colleges."

The applications filed by the State were consequently dismissed.

This order is challenged by the State. We have heard appellant's counsel and the counsel for the Allahabad University. The counsel for the State submitted that after passing of the Act there was repeated correspondence with the Central H.R.D. Ministry in regard to the College and Hospital, and so far, actual administrative control of the institutions has not been given to the University. Counsel for the

:4:

University states that institutions were already under the control of the

University and the day-to-day expenses are met by the University  
whereas counsel for the State submits that entire salary of the staff of  
these two institutions are being paid by the State. There is thus a  
dispute as to whether the administrative control is with the State or the  
University. We find that the High Court has been passing several  
orders relating to the College and the Hospital, in a writ petition totally  
unconnected with the issue, on certain assumptions, inferences and  
claims made by the University.

The issue as to whether the College and the associated Hospital  
should continue merely as a constituent of State Government College  
affiliated to the University, or should be a University College belonging  
to the University, as also questions relating to its administrative  
control, financing and other related issues shall be settled by the  
University, the State and the Union of India at the earliest having  
regard to the relevant statutory provisions. Till then, status quo, as on  
today, shall continue.

The Appeal is disposed of accordingly.

JI

.....C

( K.G. BALAKRISHNAN )

....J.

.....

( R.V. RAVEENDRAN )

NEW DELHI ;

MARCH 30, 2007.