

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

CONTEMPT PETITION (C) NO. 106 OF 2013 IN Civil Appeal 5914/2011

COLLEGE OF PROFESSIONAL EDUCATION & ORS. Petitioner(s)

VERSUS

T. VENKATESH & ORS. Respondent(s)

Date: 12/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. D.P. Pandey, Adv.
Mr. Meenesh Dubey, Adv.
Ms. Bhawana Pandey, Adv.
Mr. S.R. Setia, Adv.

For Respondent(s)

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

We have heard learned counsel for the petitioners who submitted that Direction No. (ii) of Paragraph No. 4 of the order dated 22nd July, 2011 passed in Civil Appeal No. 5914 of 2011 has been violated by the University Authorities inasmuch as contrary to the directions that a student allotted to a particular college through counseling after the B.Ed. Joint Entrance Examination, will deposit fees directly with the CBS Branch of the Bank Account of the college to which he is allotted, the authorities have issued instructions on 6th June, 2012 that candidates attending the counseling are required to come with Demand Drafts of Rs.5,000/- for advance college fee drawn in favour of the Finance Officer, Dr. Ram Manohar Lohia Awadh University, Faizabad and have also issued allotment orders asking the students allotted to the colleges to deposit the Demand Drafts in favour of the college and not in the Bank Account of the college.

We find on a reading of the aforesaid instructions issued by the University on 6th June, 2012 that after the seat is allotted in a college by the Government, the student is required to deposit the fees of the college within three days of the allotment failing which the allotment shall stand cancelled. We also find on a reading of the sample allotment letter issued by the Joint Entrance Examination B.Ed. 2012 that the candidate is required to deposit the balance fees in the shape of Demand Draft in favour of the college in which he is allotted after deducting the advance college fees of Rs.5,000/- deposited at the counseling centre through a Demand Draft in favour of the Finance Officer, Dr. Ram Manohar Lohia Awadh University, Faizabad.

Thus, in our view, the Direction No. (ii) in Paragraph 4 of this Court's order dated 22nd July, 2011 in Civil Appeal No. 5914 of 2011 has been substantially complied with inasmuch as the instructions of the authorities are to the effect that the fees will be paid by the students to the college by Demand Drafts in favour of the college instead of depositing the same with the college and there is no willful violation of the aforesaid direction of this Court. We have no doubt in our mind that the University Authorities will ensure that the advance college fees of Rs.5,000/- deposited in favour of the Finance Officer of the University before counseling will be paid to the

concerned college, if payable to the college, in accordance with the decision of the authorities.

Hence, we are not inclined to issue notice in this contempt petition.

It will be, however, open for the petitioners to seek remedy by way of separate writ petition before the High Court in case they do not receive the fees payable to the colleges.

The contempt petition is dismissed accordingly.

| (G. SUDHAKARA RAO)
| COURT MASTER

| | (SHARDA KAPOOR)
| | COURT MASTER

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