

ITEM NO.MM-3A

COURT NO.3

SECTION XI

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)...../2011  
CC 5301-04/2011

(From the judgement and order dated 03/07/2010 in WP No.  
677/2010 & SA No. 1235/2010 & SA No. 1236/2010 & SA No. 1237/2010  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

DEEN DAYAL UPADHYAY GORAKHPURI UNIVERSITY,  
GORAKHPUR & ANR.

Petitioner(s)

VERSUS

DULARI DEVI DEGREE COLLEGE & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 17/03/2011 These Petitions were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Sunil Gupta, Sr. Adv.  
Mr. T.N. Singh, Adv.  
Mr. Rajeev K. dubey, Adv.  
Mr. Kamendra Mishra, Adv.

For Respondent(s)

Mr. Kaushal Yadav, Adv.  
Mr. Vijay Pratap Singh, Adv.  
Mr. D.K. Garg, Adv.

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

Taken on board.

Heard Mr. Sunil Gupta, learned senior  
counsel for the petitioner University and

Mr. Kaushal Yadav, learned counsel appearing on  
SLP(C)...CC 5301-04/2011

2

behalf of Mr. D.K. Garg, learned counsel for  
some of the students appearing on caveat.

2. A learned Single Judge has of the  
Allahabad High Court by order dated 3.7.2010,  
has inter alia awarded compensation to the  
private respondents (students) at the rate of

` 1,00,000/- (Rupees one lakh) per student out of which ` 50,000/- (Rupees fifty thousand) is directed to be paid by the College and ` 50,000/- (Rupees fifty thousand) is directed to be paid by the University and the State Government. The said relief is given to nearly 100 students. The petitioner University filed special appeals challenging the said order of the learned Single Judge. The Division Bench while entertaining the special appeals and ordering notice, has rejected the prayer for interim stay. We are told that contempt petitions filed by the students are coming up on 31st March, 2011.

3. The submission of the learned counsel for the University is that the Division Bench of the High Court has refused to grant interim stay primarily on the ground that the

SLP(C)...CC 5301-04/2011

3

University has not taken any steps to identify its officers who are responsible for grant of affiliation to the un-recognised Colleges and also on the ground that the University has not made allocation of the students to other colleges in the current academic session.

4. Learned counsel for the petitioner University contended that the University has, in fact, taken necessary action and that an inquiry was held against A.N. Ansari, Registrar of the University and he has been found guilty in the Enquiry and the matter is pending for further action. It is also stated that all the affected students have been adjusted in other

colleges and have not lost any academic session. He therefore submitted that the High Court ought to have granted interim stay.

5. There appears to be considerable force in the contention of the petitioner. If even before the special appeals are heard, the University is made to pay the compensation, it may have difficulties in recovery of the amount from the students, in the event of its ultimate success. On the other hand, if there is

SLP(C)...CC 5301-04/2011

4

interim stay, the students will not in any way be affected as they are already accommodated in other colleges and in the event of the rejection of the special appeals, they can recover the amount from the University/State Government.

6. However, the orders impugned being interim orders, issue of notice in these Special Leave Petitions to nearly 100 students would mean that each of them will have to engage a counsel in the Supreme Court and contest the matter at a considerable expense putting them to additional hardship, apart from contesting the special appeal before the High Court. In the circumstances, we do not propose to entertain these special leave petitions but permit the University to bring the above facts (that is the fact of taking action against its officers and the fact of the students being adjusted in other colleges) to the notice of the Division Bench of the High Court with a

request to modify the interim order by staying  
the direction for payment of compensation by  
the University and if possible expedite the  
hearing of the appeals.

SLP(C)...CC 5301-04/2011

5

7. If such request is made to the High  
Court, we request the High Court to consider  
the request for modification and grant  
appropriate relief, keeping in view that the  
petitioner is a University. We are also sure  
that if this order is brought to the notice of  
the court dealing with the contempt petition,  
it will also not precipitate the matter until  
the special appeal is disposed of. We have  
chosen to pass this order instead of issuing  
notice to avoid unnecessary expense to the  
students and multiplicity of proceedings.

8. The Special Leave Petitions are disposed  
of accordingly.

(O.P. Sharma)  
Court Master

(M.S. Negi)  
Court Master