

\214IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 5374-5375 OF 2016
(Arising out of SLP (C) Nos.12259-12260 of 2012)
CHAIRMAN, INDIAN INST.OF TECH.

â- | Appellant

VERSUS

KAVYA AGRAWAL & ORS.

â- | Respondents

O R D E R

Leave granted.

These appeals, by special leave, are directed against the orders dated 21.12.2011 and 3.2.2012 passed by the Division Bench of the High Court of Madhya Pradesh in Writ Petition No.12244 of 2011 and Review Petition No.12 of 2012 in Writ Petition No.14244 of 2011 whereby the High Court has directed the present appellant to consider the case of the writ petitioner, the 1 st

respondent herein,

for giving admission in one of the vacant seats of general category candidates for Bachelor of Architecture course. The High Court has

also stated that it would not be open to the institution to reject

the case of the writ petitioner on the ground that the admission had been closed.

Despite the service of notice, the first respondent has not

appeared. It is submitted by learned counsel for the appellant

that the order passed by the High Court has not yet been given effect to and, in fact, it could not have been given effect to as

2

there was appropriate consideration of the general category candidates. Be that as it may, as the 1 st

respondent has not

appeared and a long span of time has expired, we do not think it

appropriate to keep the matter pending and also keep alive the

direction issued by the High Court.

In the result, we allow the appeal and set aside the order

passed by the High Court. There shall be no order as to costs.

.....,J.

(Dipak Misra)

.....,J.

(C. Nagappan)

New Delhi;

June 29, 2016.

ITEM NO.1

COURT NO.4

SECTION IVA

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 (C) No(s).

12259-12260/2012

(Arising out of impugned final judgment and order dated 02/12/2011

in WP No. 14244/2011 03/02/2012 in RP No. 12/2012 03/02/2012 in WP

No. 14244/2011 passed by the High Court of M.P. at Jabalpur)

CHAIRMAN, INDIAN INST.OF TECH.

Petitioner(s)

VERSUS

KAVYA AGRAWAL & ORS.

Respondent(s)

(interim relief and office report)

Date : 29/06/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Ashok K. Srivastava, AOR

For Respondent(s) Mr. Nikhil Nayyar, AOR

Mr. Dhananjay Baijal, Adv.

Mr. N.Sai Vinod, Adv.

Mr. Divyanshu Rai, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are allowed in terms of the signed order. There

shall be no order as to costs.

(Gulshan Kumar Arora) (H.S. Parasher)
Court Master Court Master
(Signed order is placed on the file)