

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7248/2007
(From the judgement and order dated 23/02/2007 in CMWP No.
7149/1998 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ABDUL HAMEED FAZLI
VERSUS

Petitioner(s)

ALIGARH MUSLIM UNIVERSITY & ORS.
(With appln. for permission to place addl. documents on record and with
prayer for interim relief and office report)

Respondent(s)

WITH

SLP(C) NO. 6253 of 2007
(With appln. for permission to place addl. documents on record and
clarification/modification of Court's order and with prayer for interim relief
and office report)

Date: 11/01/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Dr. Kailash Chand, Adv.

Dr. RG Padia, Sr. Adv.
Mr. Lalit Srivastava, Adv.
Ms. Purnima Bhat, Adv.

For Respondent(s) Mr. Anish Dayal, Adv.
Mr. Sidharth Vaid, Adv.
Ms. Anitha Shenoy, Adv.

Mr. SWA Qadri, Adv.
Ms. Garima Prashad

UPON hearing counsel the Court made the following

ORDER

On December 10, 2007 in a cognate matter
(SLP(C) No. 7248/2007 titled Abdul Hameed Fazli vs. Aligarh
Muslim University & Ors.), we passed the following order:

"As per office report, there is another
similar matter also i.e. SLP @ No. 6253/2007. We
will consider the merits of the matter at the time
of the hearing. It would, however, be
appropriate if the Registry is directed to place
both the matters for hearing before the same
bench

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on the same date. The learned counsel for the
petitioner stated that on April 30, 2007 when
notice was issued, status-quo was granted. It
was, however, stated that since before that the
service of the petitioner was already terminated
he is not in a position to obtain the benefit of
status-quo order. The learned counsel for the
respondent University stated that no person has
been appointed on the concerned post. On the
facts and in the circumstances of the case, in our
opinion, ends of justice would be met if we grant
interim relief by allowing the petitioner rejoin

the post concerned. Order accordingly."

In SLP(C)No.6253/2007, today we have heard learned counsel for the parties.

In this matter, it clearly appears that two factors weighed with the Court while granting virtually mandatory relief in favour of the petitioner in the cognate matter SLP(C)No.7248/2007 are present. Those factors are: (i) the petitioner of that petition was holding the post; and (ii) it was stated on behalf of the respondent University that "no person has been appointed on the concerned post". The learned counsel for the petitioner in the present petition stated that both the grounds are also existing in the instant case, namely, (i) the petitioner was holding the post; and (ii) no person has been appointed on the concerned post. The University did not dispute this factual aspect. Hence, the interim relief granted by us in that petition will also operate in the present petition. All contentions of the parties are kept open. Let both the matters be placed for final hearing on a non-miscellaneous day.

(Usha Bhardwaj)
Court Master

(Vinod Kulvi)
Court Master