

ITEM NO.38

COURT NO.2

SECTION IX

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).12904/2011

(From the judgement and order dated 23/02/2011 in LPA No.482/2008,
CA No.6858/2009 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

CHARUTAR AROGYA MANDAL

Petitioner(s)

VERSUS

PARENTS ASSO. FOR MEDI.DENTAL STUD.& ORS

Respondent(s)

(With appln(s) for directions, permission to file additional
documents and prayer for interim relief and office report)

Date: 10/02/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. P.S. Patwalia, Sr. Adv.
Mr. Ramesh Singh, Adv.
Mr. Nikhil Goel, AOR
Mr. Marsook Bafati, Adv.

For Respondent(s)

Ms. Hemantika Wahi, AOR
Ms. Rojalin Pradhan, Adv.

Mr. Sanjay R. Hegde, Adv.
Mr. Tenzin Tsering, Adv.
Mr. S. Nithin, Adv.

Mr. Amit Kumar, AOR
Mr. Ashish Kumar, Adv.
Mr. Atul Kumar, Adv.
Ms. Rekha Bakshi, Adv.
Mr. Avijit Mani Tripathi, Adv.
Mr. Rajiv Agrawal, Adv.

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Mr. Anil Kumar Mishra, AOR

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

This special leave petition is directed against the final order passed by the Gujarat High Court on 23rd February, 2011, on the petitioner's Civil Application No.6858 of 2009 in L.P.A. No.482 of 2008, refusing to issue notice and directing the appeals to be listed on 4th April, 2011. It may be noticed that the Letters Patent Appeals are of 2008, and interim directions had been given therein regarding deposit of fees with the Registrar of the Gujarat High Court. The consequence of the interim order was that

amounts which were above 1.8 lacs per student per annum, were directed to be deposited by the Registrar in Fixed Deposits, until further orders of the Court.

We are informed that the appeals could not be taken up for hearing for one reason or the other, and, ultimately, the petitioner herein has come up against the said order of the Gujarat High Court and in the said Special Leave Petition, I.A. No.1 of 2011, which we are hearing today, has been filed on behalf of the Institution, inter alia, for permission to withdraw the differential amount of fees lying with the Registrar of the Gujarat High Court, pursuant to the order passed on 23rd May, 2008.

The very subject matter of the Letters Patent Appeals pending before the High Court is, with regard to the fee structure and the fees payable by the students of the Institution.

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We, accordingly, are of the view that the appeals themselves should be disposed of, so that the amount of fees to be paid, can be settled.

Accordingly, having heard learned counsel for the parties, we dispose of the special leave petition, with a request to the Gujarat High Court to hear out the appeals, which are pending since 2008, at an early date. We are informed that these appeals have been fixed for hearing by the High Court on 17th February, 2012. We trust that the High Court will dispose of the appeals on that date without granting any adjournment to any of the parties, unless it becomes absolutely imperative to do so. It is also understood that the parties shall not apply for adjournment of the hearing of the appeals in view of this order.

The special leave petition is disposed of accordingly.

The parties will be at liberty to move afresh, in the event, the appeals are not disposed of on 17 th February, 2012, as requested.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar