

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).10186/2006

(From the judgement and order dated 26/05/2006 in CMWP No. 48568/2000 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ASHOK KUMAR SONKAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

(For final disposal)

Date: 07/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mr. L.N. Rao, Sr. Adv.

Mr. Yatish Mohan, Adv.

Mr. E.C. Vidya Sagar,Adv.

For Respondent(s) Mr. Rameshwar Prasad Goyal,Adv.

Mr. Lakshmi Raman Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The above appeal was filed by one Dr. Ashok Kumar Sonkar questioning

the order of annulment of his appointment passed by the Visitor (His Excellency

the President of India) of the Banaras Hindu University, New Delhi dated

18.10.2000. The order dated 18.10.2000 was communicated to the University by

the Desk Officer, Ministry of Human Resources Development. No copy of the

representation and the order of the Visitor was served on him. He filed the writ

's petition challenging the order of the Visitor. The High Court stayed the Visitor

the order. However, the High Court dismissed the writ petition for the reasons

recorded in its order. Aggrieved by the said order, the above appeal has been

filed by the appellant.

In the instant case, the order of annulment of the appointment was

passed by the Visitor in exercise of his powers under Section 5(7) of the

Banaras Hindu University Act, 1915. Notice was ordered to all the respondents

in the S.L.P. on 10.7.2006 and this Court while ordering notice, restrained the 5th

respondent herein to join the post. Since the appellant has already been relieved

vide order dated 4.7.2006, this Court did not grant any interim relief at that stage.

The first respondent Union of India has already been served. The second

respondent Visitor has not so far been served. A mistake has erupted while

giving address of the Visitor in the Cause Title. We, therefore, direct the learned

counsel for the appellant to amend the existing Cause Title insofar as it relates to

the second respondent, so as to read as the Visitor, Banaras Hindu University,

Varanasi, U.P. Necessary steps for amending the address of the Visitor be taken within two weeks.

Mr. L.R. Singh, Advocate, appears for respondent nos.3 & 4 and respondent no.5 is represented by Mr. R.P. Goyal. Since the order of the Visitor (the President of India) is questioned in this Civil Appeal, we feel that the learned Solicitor General should be heard in this matter. Even the Union of India is not represented so far. We, therefore, request the learned Solicitor General of India to appear for the Union of India represented through the Ministry of Human Resources Development and also for the Visitor, Banaras Hindu University Varanasi, U.P. A copy of the SLP/Appeal Paper Book will be served upon the learned Solicitor General by the Registry immediately.

Adjourned by four weeks.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master