

ITEM NO.301

COURT NO.7

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. No. 75/2013 in Writ Petition(s) (Civil) No(s). 142/2006

VIPLAV SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for directions and office report)

Date : 27/10/2014 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE VIKRAMAJIT SENFor Applicant(s) Mr. Pravin H. Parekh, Sr. Adv.
Mr. Kshatrshal Raj, Adv.
Mr. Vishal Prasad, Adv. for
M/s. Parekh & Co.For Petitioner(s) Mr. Sanjay R. Hegde, Adv.
Mr. Anil Kumar Mishra-I, Adv.
Mr. S. Nithin, Adv.

For Respondent(s)

UOI Mr. Tushar Mehta, A.S.G.
Mr. Cheta Chawla, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. M. Khairati, Adv.
Ms. Sushma Suri, Adv.
Mr. B.V. Balram Das, Adv.UGC Mr. Manoj R. Sinha, Adv.
Mr. T. Mahipal, Adv.MCI Mr. Gaurav Sharma, Adv.
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.

Mr. K.K. Mani, Adv.
Ms. T. Archana, Adv.
Mr. Abhishek Krishna, Adv.

AICTE

Mr. Amitesh Kumar, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Navin Prakash, Adv.

Puducherry

Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.

Mr. R. Ayyam Perumal, Adv.

Mr. P. Venkat Reddy, Adv.
Mr. Sumanth Nookala, Adv. for
M/s Venkat Palwai Law Associates

Mr. Irshad Ahmad, A.A.G.
Mr. Ahmad S. Azhar, Adv.
Mr. M.R. Shamshad, Adv.

Mr. Vivek Singh, Adv.
Mr. Avinash Tirpathi, Adv.

Mr. R.S. Suri, Sr. Adv.
Mr. Rahul Malhotra, Adv.
Mr. Avinash Kumar, Adv.
Ms. Pallavi Tayal Chadda, Adv.

Mr. Mathai M. Paidakay, Sr. Adv.
Mr. Shishir Pinaki, Adv.
Mr. Anas Shammad, Adv.
Mr. Sanjay Jain, Adv.

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

Heard Mr. Pravin H. Parekh, learned senior
counsel for the applicant - Gurukul Kangri
Vishwavidyala, Mr. Tushar Mehta, learned Additional

Solicitor General for the Union of India and Mr. Manoj R. Sinha, learned counsel for the University Grants Commission.

By this application, the applicant - Gurukul Kangri Vishwavidyala, has prayed for a number of reliefs. The reliefs which are relevant are as follows:

"(a) direct the respondents to allocate and release the balance amount of Rs. 18.01 crores as recommended by the UGC XIth Plan Visiting Committee in its report (obtained under RTI on 22.09.2011) to the Applicant - Gurukul Kangri Vishwavidyala;

(b) direct the respondents to release grant to the Applicant - Gurukul Kangri Vishwavidyala with regard to the additional posts of staff (55 posts) recommended by UGC XIth Plan visiting Committee in its report (obtained under RTI on 22.09.2011);

(c) direct the Respondent No. 1 and Respondent No. 2 to direct NAAC (an autonomous body of UGC) to continue the process for grading for re-accreditation to the Applicant - Gurukul

Kangri Vishwavidyala after following due procedure;

(d) direct the Respondent No. 2, UGC to officially communicate the XIth Plan Visiting Committee report (obtained under RTI on 22.09.2011) to the Applicant;"

It is the stand of the University Grants Commission that the applicant is presently paid the maintenance grants and no other grant as it has been categorised as 'C' category University. It is submitted by Mr. Manoj R. Sinha that the grants can be made available if the University gets into 'B' category and for the said purpose, physical inspection is necessary.

It is stated that on the previous occasion vide order dated 26.09.2014, this Court had directed physical inspection of certain Universities as it did not accept the statement of the University Grants Commission that the inspection should be made by videography and ordinary photographs.

On a query being made, Mr. Tushar Mehta, learned Additional Solicitor General, submitted that because of categorisation the present problem has

cropped up. He undertakes to file an affidavit of the competent authority of the Union of India clarifying the position within a period of four weeks.

In the meantime, the University Grants Commission is directed to send a team for inspection of the applicant - Gurukul Kangri Vishwavidyala and file a report before this Court within a period of three weeks. The report shall indicate, whether the applicant - Gurukul Kangri Vishwavidyala can be categorised as 'C'/'B'/'A' depending upon the criteria fixed by the University Grants Commission.

It is clarified that this Court would restrain itself in grading the University as it is in the domain of the University Grants Commission, subject to limited judicial review.

After the inspection report is filed and the gradation is determined, appropriate order can be passed. A copy of the report shall be supplied to Mr. Pravin H. Parekh, learned senior counsel for the applicant - Gurukul Kangri Vishwavidyala as well as to Mr. Tushar Mehta, learned Additional Solicitor General.

Learned senior counsel for the applicant shall be at liberty to file objection/reply, if required, within two weeks.

List the application after six weeks.

(RAJESH DHAM)
COURT MASTER

(RENUKA SADANA)
COURT MASTER