

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.8645 OF 2011

BARKATULLAH UNIVERSITY

Appellant

VERSUS

STATE OF M.P. & ORS.

Respondent

O R D E R

The appellant University is aggrieved by the order requesting the Chancellor to take appropriate action against the University under Section 12 of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 (hereinafter called, 'the Act') with regard to the notice for counselling dated 17.3.2008 published by the University for admission to the B.Ed course after the dismissal of Writ Petition No.14227 of 2007 and Writ Petition No.12133 of 2007.

Learned Counsel for the appellant submits that the University acted bona fide in conducting the counselling in pursuance of the orders of this Court dated 18.02.2008 in SLP (C) No.3269 of 2008 arising from another set of writ petitions led by W.P. No.15276 of 2007. The University cannot be faulted with for having acted in compliance with the directions of this Court. It was next submitted that the impugned order came to be passed without any opportunity to the University to present its case before the High Court. On 16.04.2008 the Registrar of the University was summoned to appear on 17.04.2008 when the impugned order came to be passed. No opportunity was provided to file a

counter affidavit.

No one appears on behalf of Respondent No.1. Counsel for Respondent No.4 alone is present.

The appellant University was directed by the State Government to conduct centralized counselling for admission in all B.Ed Colleges in the State of Madhya Pradesh by an order dated 14.05.2007. The State Government provided a list of 350 colleges in which counselling had to be conducted. While the process of counselling was going on, some colleges who did not find place in the list furnished by the State Government filed a writ petition leading to interim orders dated 24.07.2007. The writ petitions ultimately came to be dismissed on 29.11.2007.

Similar other writ petitions were also filed the lead case being W.P.No.15276 of 2007 giving rise to SLP(C) No.3269 of 2008. On 18.02.2008, this Court issued the following directions:

“It has been stated that for taking admission in B.Ed. course within the State of Madhya Pradesh after exhausting the State quota, 8411 seats are lying vacant. According to the State, pursuant to the direction of the High Court in Paragraph 19 of the impugned order, 5142 seats would be required to be filled up by admitting the students but 3269 seats in B.Ed. course would be still lying vacant. The State Government is directed to take steps for fresh centralized counselling for filling up all the unfilled seats in the recognized

colleges for which steps must be taken within fifteen days from today.”

It appears the attention of the High Court was not invited to the order of this Court when the writ petition was finally disposed of on 17.04.2008 relying on the orders passed in those writ petitions in which interim relief had been granted but which were ultimately dismissed.

In the entirety of the facts and circumstances of the case, we are satisfied to hold that it does not appear to have been a deliberate breach on part of the University which had acted pursuant to the orders of this Court to hold counselling. We accept the submission that its actions were bona fide in view of the order of this Court in SLP (C) No.3269 of 2008 dated 18.02.2008.

Resultantly, the appeal is allowed and the direction in the impugned order for appropriate action against the University under Section 12 of the Act is hereby set aside.

The appeal is allowed.

..... J
(NAVIN SINHA)

..... J
(INDIRA BANERJEE)

NEW DELHI;

AUGUST 21, 2019

ITEM NO.101

COURT NO.12

SECTION IV-A

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

Civil Appeal No(s). 8645/2011

BARKATULLAH UNIVERSITY

Appellant(s)

VERSUS

STATE OF M.P. & ORS.

Respondent(s)

Date : 21-08-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s) Mr. Varun Thakur, Adv.
Ms. Shraddha Saran, Adv.
Mr. Shankar Divate, AOR

For Respondent(s) Mr. Devesh Kumar Agnihotri, Adv.

Mr. Dharmendra Kumar Sinha, AOR
Ms. K. V. Bharathi Upadhyaya, AOR
Mr. Shekhar Prit Jha, AOR
Mr. Prashant Bhushan, AOR

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

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)