

ITEM NO.2

COURT NO.2

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NO.6 OF 2011 IN CIVIL APPEAL NO.9717 OF 2011

PARMENDER KUMAR & ORS.

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for clarification and I.A. No.7 for directions and office report)

Date: 09/01/2012 This Appeal was called on for hearing today.

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

For Appellant(s) Mr. K.K. Tyagi, Adv.
Mr. Iftekhar Ahmad, Adv.
Mr. P. Narasimhan, AOR

Dr. Kailash Chand, AOR

For Respondent(s)/ Applicant in I.A. No.7/12 Mr. P.S. Patwalia, Sr. Adv.
Mr. R.K. Gupta, Adv.
Mr. S.K. Gupta, Adv.
Mr. M.K. Singh, Adv.
Mr. Shekhar Kumar, AOR

For University Mr. Rajat Rathee, Adv.
Mr. Atishi Dipankar, AOR

For State Mr. Vikas Singh, Sr. Adv.
Dr. Monika Gusain, AOR

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

CA 9717/2011

We had delivered judgment in C.A. No.9717 of 2011, on 14th November, 2011, whereby, after upholding the case made out for the appellants, we had directed that since the appellants had already lost about six months of the course in question, they should be admitted in the Post-Graduate or Diploma Courses, for which they had been selected, for the new academic year without any test or selection.

When we delivered the said judgment, it escaped our notice that the appellants, by virtue of the interim order passed on 13th June, 2011, had already been admitted to the course on 28th June, 2011, by the University. Accordingly, the direction given in the final judgment would not have any application to them. Consequently, I.A. No.6 of 2011, has been filed on behalf of the appellants for clarification of

the said portion of the judgment.

Having heard learned counsel for the appellants, the University, and the State of Haryana, we allow the application and clarify that the last portion of the judgment giving the aforesaid directions, shall not be applicable as far as the appellants are concerned, since they had already been admitted in the course in question.

However, I.A. No.7 of 2012, has also been filed in the appeal by one Dr. Jai Singh and four others, indicating that the applicant Nos.1 and 2, Dr. Jai Singh and Dr. Rajiv Dabla, had deposited the fees, as well as the original certificates, which were the prerequisites for admission into the course and that in the ordinary course, they would have got the admission but for the interim order and the judgment delivered in C.A. No.9717 of 2011.

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Mr. P.S. Patwalia, learned senior counsel appearing in support of I.A. No.7 of 2012, submits that the final direction which we had given in the appeal should apply to these two candidates, since they were left out of the consideration for this year's course on account of the interim order passed in the appeal.

Having heard Mr. Patwalia, Mr. Vikas Singh, learned senior counsel appearing for the State, Mr. Rajat Rathi, learned counsel appearing for the University, we are also inclined to allow the said I.A. No.7 of 2012, in part. While rejecting the prayer as far as the applicant Nos.3, 4 and 5, are concerned, on account of the fact that they had not deposited the admission fees or their original certificates, we direct that as far as Dr. Jai Singh and Dr. Rajeev Dabla, are concerned, they shall be admitted in the Post-Graduate or Diploma Courses, for which they had been selected for the new academic year, without any further test or selection.

I.A. Nos.6 of 2011 and I.A. No.7 of 2012, are disposed of accordingly.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar