

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9675 OF 2011
(Arising from SLP(C) No.26040/2011)

Guru Ghasidas University & Another ..Appellants

versus

Pragya Pauer & Others ..Respondents

O R D E R

Leave granted.

The application for intervention is allowed.

This appeal is directed against interlocutory order

dated 05.09.2011 passed by the Division Bench of the

Chattisgarh High Court, the relevant portion of which is

extracted below:-

"In the meantime, without prejudice to the rights of the parties, it is directed that result of the examinations in question of the students of Shaskiya Mata Shabri Nayeen Kanya Mahavidyalaya, Billaspur/respondent No.3 shall be declared as a regular students and mart sheets shall be issued to all the students without further delay.

However, with regard to those students whose attendance was declared short, an endorsement may be made in their mark sheets that the declaration of result is subject to final outcome of the writ appeal and they would be free to take further admissions at their own risk."

We have heard learned counsel for the parties and perused the record.

Ordinarily, this Court is loath to interfere with

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the discretion exercised by the High Court to pass an interlocutory order but keeping in view the nature of the direction contained in the order under challenge, which, if implemented, would result in virtual dismissal of the appeal preferred by the appellant against the order of the learned Single Judge, we have thought it proper to examine

For Petitioner(s) Ms. Vibha Datta Makhija, Adv.
Mr.K.Vijay Kumar, Adv.

For Respondent(s) Mr. Dushyant Parashar, Adv.
Mr. S.K. Sabharwal, Adv.(Not present)

Mr. Fakhruddin, Sr. Adv.
Mr. Raj Kikshor Choudhary, Adv.
Mr. T. Mahipal, Adv(Not present)

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

Leave granted.

The application for intervention is allowed.

The appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Om Prakash)
Court Master

[signed order is placed on the file]