

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.10222/2012

ALIGARH MUSLIM UNIV.TR.REGR.

PETITIONER

VERSUS

QAZI AFZAL HUSSAIN & ORS.

RESPONDENTS

O R D E R

1. Taken on board.
2. Petitioner is aggrieved by an interim order passed by the Division Bench of the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No.14164 of 2012 titled as Prof. Qazi Afzal Hussain vs. Aligarh Muslim University & Ors., whereby and whereunder the operation of the order dated 15.03.2012, impugned in the Writ Petition, has been stayed. By the order dated 15.03.2012, challenged by Respondent No.1 herein before the High Court, Dr. Noor Mohammad/Respondent No.2 has been appointed as Pro Vice-Chancellor of the Aligarh Muslim University (hereinafter referred to as the 'University') with effect from the said date.
3. We were given to understand that soon after the appointment, he had taken over the charge as Pro Vice-Chancellor of the said University and discharged the
2
duties as such till the interim order came to be passed by the Division Bench on 22.03.2012.
4. After the interim order was passed by Division Bench of the High Court on the aforesaid date, Respondent No.1 has taken over charge and is discharging his duties as Vice Chancellor.

5. Much has been argued before us with regard to the nature of the interim relief granted in favour of Respondent No.1, at the motion stage on the first date of hearing. Mr. G. E. Vahanvati, learned Attorney General of India appearing for Petitioner has contended that such an interim relief could not have been granted as it amounts to grant of final relief to him. We have also been taken through the final relief claimed by Respondent No.1 in the Writ Petition, which reads as thus :

"(i) issue appropriate writ, order or direction in the nature of writ certiorari quashing the impugned order dated 15th March, 2012 passed by the respondent no.2, appointing respondent no.3 as Pro Vice Chancellor (annexure-I to the Writ Petition)."

6. However, at this stage, it is not proper for us to go into all these averments made by learned Attorney General appearing for Petitioner and controverted by learned senior counsel appearing for Respondent No.1.

3

7. We have been informed that the meeting of the Executive Council was scheduled for 10th April, 2012 at 11 A.M.. It has now been deferred to 12 th April, 2012 at 11 A.M.

8. We hope and trust that there should not be any further deferment of the meeting of the Executive Council and it would be held positively on 12th April, 2012 as scheduled. It would then recommend to the University Court a panel of five names under Statute (2)(1) of the Statutes of the University for the appointment of the Vice Chancellor. Once this exercise is completed by the Executive Council, the University Court would consider the appropriate three names and would send a panel of three names to the

Visitor, who in turn would appoint one of them at the earliest.

9. Till such time some interim arrangement is to be made so that University continues to function and its working may not come to a standstill.

10. However looking to the facts and features of the case, we deem it fit and proper that neither Respondent No.1 nor Respondent No.2 would function as Vice Chancellor or Pro Vice Chancellor of the University respectively, until the regular appointment is made as mentioned hereinabove at the earliest.

4

11. This arrangement, we have to work out as we had to keep in mind the interest of the students, who are prosecuting their courses in the University.

12. For the aforesaid period, the functioning of the University will be carried out by the Executive Council and would be implemented by the Registrar of the University.

13. With the aforesaid directions, this Special Leave Petition stands disposed of.

.....J
[Deepak Verma]

.....J
[K. S. Radhakrishnan)

New Delhi;
March 29, 2012.

5

ITEM NO.10-B(MM)

COURT NO.10

SECTION XI

Petition(s) for Special Leave to Appeal (Civil) No(s).10222/2012

(From the judgment and order dated 22/03/2012 in CMWP No.14164/2012
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ALIGARH MUSLIM UNIV.TR.REGR.

Petitioner(s)

VERSUS

QAZI AFZAL HUSSAIN & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment and permission to file synopsis and list of dates and
prayer for interim relief and office report)

Date: 29/03/2012 This Petition was taken up on mentioning today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. G. E. Vahanvati, Ld. AG
Mr. Pevadatt Kamat, Adv.
Ms. Indira Jaising, Ld. ASG
Mr. Rajesh Inamdar, Adv.
Ms. Priyanka Telang, Adv.
Ms. Supriya Jain, Adv.
Ms. Sonam, Adv.
Mr. Chandra Prakash, Adv.

For Respondent(s) Mr. Rajiv Dutta, Sr. Adv.
Mr. Aftab Ali Khan, Adv.
Mr. Kumar Dushyant Singh, Adv.
Mr. M. Z. Chaudhary, Adv.

Mr. Shekhar Naphade, Sr. Adv.
Mr. Rauf Rahim, Adv.

Md. Irshad Hanif, AOR
Mr. Masood A. Khan, Adv.
Md. Adeel Siddiqui, Adv.

....2/-

6

: 2 :

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

Taken on board.

In terms of signed order and directions contained
therein, this Special Leave Petition stands disposed of.

(Sanjay Kumar-II)
Court Master

(S.S.R. Krishna)
Court Master

(Signed Order is placed on the file)