

**Court No. - 10**

**Case :-** WRIT - C No. - 16391 of 2023

**Petitioner :-** C/M Sri Siddheshwar Nath Adarsh Sanskrit Mahavidyalaya And Another

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Prabhakar Awasthi, Ishwar Kumar Upadhyay

**Counsel for Respondent :-** CSC, Anand Kumar Pandey, Shesh Kumar Srivastava

**Hon'ble Kshitij Shailendra, J.**

1. Heard Sri Prabhakar Awasthi, learned counsel for the petitioner, learned Standing Counsel for the respondent no.1 and Sri Shesh Kumar Srivastava, learned counsel representing the respondents no.2 and 3.

2. The record of the writ petition shows that the dispute in between the petitioner college and the University is confined to compliance/ non compliance of Statute 12.07-Da of the Statutes of Sampurnanand Sanskrit University, Varanasi.

3. It appears from the record as well as the arguments advanced at the Bar that the Bye-laws governing the functioning of the petitioner college contain certain provisions including the term of the Committee appointed from time to time.

4. It is contended that there being no dispute regarding Committee of Management, the problem has arisen when the matter reached to the University for granting approval to the Committee of Management under Section 2(13) of U.P. State Universities Act, 1973, inasmuch as it is the Vice Chancellor of the University who is competent to accord such approval.

5. Whereas the stand of the University in all the letters including the order impugned is that any change made by the petitioner Committee in the Bye-laws is hit by Statute 12.07-Da which mandates that without prior approval of the Vice Chancellor, no amendment shall be incorporated, the case of the petitioner is that earlier the term of the petitioner's Committee, as per the Bye-laws, was three years, and it was enhanced to five years and when the University objected to the same, it was again reduced to three years from five years and at every time whatever letters were issued by the University, they were complied with and documents have been submitted.

6. Per contra, Sri Shesh Kumar Srivastava, submits that the documents, which have been submitted by the petitioners, are basically in relation to the elections held from time to time and the list of office bearers registered in the office of Assistant Registrar, whereas the controversy has arisen because of amendments carried in the Bye-laws for which prior approval from the Vice-Chancellor is necessary as per the aforesaid Statute 12.07-Da.

7. The dispute, therefore, is as to whether the petitioners were competent to incorporate amendment in the Bye-laws.

8. There being no challenge to the Statute 12.07 and even the case of the petitioners is that it is ready to comply with the directions issued by the Vice-Chancellor, in order to settle controversy for all times to come, certain step by step procedure is to be followed by both the parties.

9. In view of the above, the writ petition is being finally **disposed of** in the following terms:-

(i) The respondent University shall issue notice to the petitioners **before 30.11.2023** mentioning point-wise requirements to be fulfilled by the petitioners in consonance with the Statute 12.07-Da.

(ii) The petitioners shall submit their response along with necessary documents against the said notice **in the month of December, 2023**.

(iii) The Vice Chancellor of the University shall pass a detailed order in the light of notice issued and response submitted **in the month of January, 2024**.

(iv) The impugned action shall remain subject to the order to be passed by the Vice-Chancellor.

**Order Date :-** 13.10.2023

AKShukla/-