

Court No. - 52

Case :- WRIT - C No. - 27733 of 2023

Petitioner :- C/M Shahid Captain Vijai Pratap Singh Smarak
Degree College And Another

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

Counsel for Petitioner :- Gautam Baghel, J.P. Pandey

Counsel for Respondent :- C.S.C., Pratik Chandra

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Gajendra Pratap, learned Senior Advocate assisted by Sri Gautam Baghel, learned counsel for petitioners, Sri J.P. Pandey along with Sri A.K. Malviya, learned counsel appearing on behalf of respondent nos.4 and 5 and Ms. Asha Parihar, Advocate holding brief of Sri Prateek Chandra, learned counsel for respondent nos.2 and 3 as well as learned Standing Counsel for the State-respondent no.1.

2. The present petition has been preferred seeking the following relief:-

"i. to issue writ order or direction in the nature of mandamus directing and commanding the respondent no.3 to accord recognition to the petitioners' election dated 24.07.2022 (Annexure No.5, Page Nos.49-52) for the purposes of recognition under Section 2(13) of the U.P. State Universities Act 1973.

ii. issue a writ order or direction in the nature of mandamus directing and commanding the respondent no.3 to accord recognition to the petitioners' election dated 24.07.2022."

3. At the very outset, learned counsel for petitioners submitted that election of the institution was held on 22.10.2013 and after expiry of term of the said election, a fresh election has already been finalized on 24.07.2022 wherein petitioner no.2 has been elected as Manager. One more election was held on 25.04.2022 and both the rival factions have already been intimated to the respondent no.3 but decision with regard to approval under Section 2(13) of the U.P. State Universities Act, 1973 is still pending to be taken up by respondent no.3 i.e. Vice Chancellor of Professor Rajendra Singh (Rajju Bhaiya) University, Prayagraj U.P.

4. Sri G.K. Singh, learned Senior Advocate assisted by Sri Sankalp Narain, learned counsel appearing on behalf of newly impleaded

respondent nos.4 and 5 and Ms. Asha Parihar, Advocate holding brief of Sri Prateek Chandra, learned counsel for respondent nos.2 and 3 requested to prefer counter affidavit by way of relying over paragraph nos.5 and 12 of the order dated 27.10.2023.

5. Request as made by Sri G.K. Singh, learned Senior Advocate as well as Ms. Asha Parihar, Advocate holding brief of Sri Prateek Chandra, learned counsel for respondent nos.2 and 3 has been opposed by Sri Gajendra Pratap, learned Senior Advocate assisted by Sri Gautam Baghel, learned counsel for petitioners on the ground that no prejudice will be caused if direction may be issued by this Court for deciding the matter with regard to approval of the rival factions of Committee of Management under Section 2(13) of the U.P. State Universities Act, 1973.

6. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.3 is hereby directed to decide the issue of approval between the petitioners as well as respondent nos.4 and 5 as expeditiously as possible, preferably within a period of two months from the date a certified copy of this order is produced before him.

7. With the aforesaid directions, the writ petition is **disposed of**.

Order Date :- 28.11.2023

Vivek Kr.