

Court No. - 35

Case :- WRIT - A No. - 14484 of 2023

Petitioner :- C/M Janta Vedic College And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Srivats Narain, Sankalp Narain

Counsel for Respondent :- C.S.C., Avneesh Tripathi, Shiv Poojan Yadav

Hon'ble Vikas Budhwar, J.

1. Heard Shri Sankalp Narain, learned counsel for the writ petitioners, Shri Ajeet Kumar Singh, learned Additional Chief Standing Counsel for respondent no.1, Shri Avneesh Tripathi, learned counsel for respondent nos.2 and 3 and Shri Prabhakar Awashti, learned counsel for respondent no.4.

2. The case of the writ petitioners is that there is a Committee of Management of Janta Vedic College, Baraut, Baghpat, which is in effective control of institution in question. According to the writ petitioners, there happens to be a managerial dispute, which came before this Court in Writ - C No.10700 of 2023 (C/M Janta Vedic College And 2 Others vs. State Of U.P. And 4 Others), in which an order dated 27.02.2023 is claimed to be passed against the writ petitioners fraction in favour of one Smt. Monika as Manager and Jagbeer Singh as Principal. It is a case of the writ petitioners that an interim order was accorded to the writ petitioners on 12.05.2023, whereby as per the writ petitioners, they were permitted to manage the institution in question. A correction application was also preferred in the said writ petition, which

came to be allowed on 22.05.2023. An intra court appeal was also preferred by Smt. Monika And Another vs. State Of U.P. And 5 Others in Special Appeal No.481 of 2023, which is pending and there is no interim order. It is further the case of the writ petitioners that pursuant to a resolution dated 07.06.2023 of the Committee of Management, respondent no.4 was placed under suspension on 08.06.2023. The writ petitioners further assert that the proceedings were drawn on 22.06.2023 by the university i.e. Chaudhary Charan Singh University, Meerut, whereby the writ petitioners, who claimed to be the legally and validly elected Committee of Management and one Smt. Monika as well as respondent no.4 were has to appear before the three member committee constituted therein but as per the writ petitioners, without complying with the principles of natural justice and without furnishing the copy of the documents, which were pressed into service in order to negate the claim of the writ petitioners an order stated to have been passed on 04.07.2023 by the Vice Chancellor, Chaudhary Charan Singh University, Meerut staying the suspension of fourth respondent.

3. Questioning the said order dated 04.07.2023, the writ petitioners filed the present writ petition.

4. The matter was heard couple of the occasions.

5. Shri Sankalp Narain, learned counsel for the writ petitioners submits that the order dated 04.07.2023 passed by Vice Chancellor, Chaudhary Charan Singh University, Meerut is not only in violation of principles of nature justice but also

the same sans independent application of mind. According to him, only on the basis of the report of the three member committee, the suspension of the respondent no.4 has been stayed. He submits that had the writ petitioners being put to notice, he could have amply administered that there was no occasion to pass such an order. According to him, the order be set aside and the matter be remitted back to the Vice Chancellor, Chaudhary Charan Singh University, Meerut to pass a fresh order thereto.

6. Shri Avneesh Tripathi, learned counsel for respondent nos.2 and 3 has sought to contend that the order in question has been passed within the four corners of law as en-capsuled in the Uttar Pradesh State Universities Act, 1973 and further it is only after considering the enquiry report of the enquiry committee, the order in question has been passed and it is not an order closing or blocking the claim of the writ petitioners by a single stroke of pen. Further, only a restraint order has been passed and it is always open for the writ petitioners to approach the University staking their claim and taking all legal and factual pleas and in case, there is any error in the order then the same can be cured providing opportunity to the writ petitioners to come and participate in the proceedings and obviously the University shall pass final order after hearing the writ petitioners as well as the respondent no.4 in this regard.

7. The submission of Shri Avneesh Tripathi, learned counsel for respondent nos.2 and 3 adopted by Shri Prabhakar

Awashti, learned counsel for respondent no.4. He further adds that there was no material available with the Committee of Management of the institution in question so as to place respondent no.4 under suspension particularly when the Committee of Management of the writ petitioners came into power in the month of May, 2023 and the conduct, which is being sought to be complained, is of a period prior to which in that regard.

8. Shri Ajeet Kumar Singh, learned Additional Chief Standing Counsel for respondent no.1 also adopts the submission of learned counsel for the respondents.

9. At this juncture, Shri Sankalp Narain, learned counsel for the writ petitioners, on the basis of his instructions, submits that since the matter is engaging attention before the Vice Chancellor, Chaudhary Charan Singh University, Meerut, thus according to him, the Vice Channcellor of the respondent - University may provide the entire documents, which have been made basis for passing of the order and after affording opportunity of hearing to him the final orders be passed in that regard.

10. To such a submission, Shri Avneesh Tripathi, learned counsel for respondent nos.2 and 3 and Shri Prabhakar Awashti, learned counsel for respondent no.4. have no objection.

11. Considering the submissions of the rival parties as well as the stand taken by them, the writ petition is disposed of granting liberty to the writ petitioners to approach the

respondent no.3 i.e. Vice Chancellor, Chaudhary Charan Singh University, Meerut raising all his legal and factual contentions and alongwith a request to furnish all the documents and in case, such an application is preferred, the respondent no.3 i.e. Vice Chancellor, Chaudhary Charan Singh University, Meerut shall furnish all the required documents and after hearing writ petitioners, fourth respondent and other affected parties pass a final order within a period of three weeks from the date of the production of the certified copy of this order by either of the parties.

12. In view of the above, the order dated 04.07.2023 passed by respondent no.3 i.e. Vice Chancellor, Chaudhary Charan Singh University, Meerut shall abide by the further orders passed by him.

13. With the aforesaid observations, the writ petition stands **disposed of.**

Order Date :- 31.10.2023

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