

Court No. - 35

Case :- WRIT - A No. - 16694 of 2023

Petitioner :- Dr Obaid Ahmed Siddiqui

Respondent :- Union Of India And Another

Counsel for Petitioner :- Tarun Agrawal

Counsel for Respondent :- A.S.G.I., Shashank Shekhar Singh

Hon'ble Vikas Budhwar, J.

The contention of Sri Tarun Agrawal, learned counsel for the writ petitioner is that the communication dated 28.7.2023 of the first respondent, Government of India, Ministry of Education, Department of Higher Education, Shastri Bhawan, New Delhi dated 28.7.2023 according approval for grant of appointment in Aligarh Muslim University to Md. Gulrez acting Vice Chancellor, AMU is contrary to earlier direction contained on 9.10.2014 which stood adopted by the Executive Council in its meeting held on 17.1.2015. He thus submits that the only power under Statute 17 is upon the Executive Council to delegate its power to the Vice Chancellor.

Learned counsel for the University has produced before this Court a document of two pages which happens to be the resolution of the Executive Council dated 30.10.2023 so as to contend that the communication dated 28.7.2023 of the first respondent has been adopted by the Executive Council of the respondent University from the date of the issuance of the same. He thus submits that now there is no legal deficiency so as to enable the writ petitioner to raise any objection in this regard.

At this juncture a minutes of the Executive Council dated 30.10.2023 has been served upon the learned counsel for the writ petitioner. He submits that the writ petition be dismissed as withdrawn with the liberty to the writ petitioner to prefer a fresh writ petition in case it so occasioned.

Considering the submissions of the parties as well as the stand taken by them the writ petition is **consigned to record** leaving it open for the writ petitioner to again approach the court in case a fresh cause of action arises.

Instruction filed today is taken on record and marked as Appendix-A.

Order Date :- 7.11.2023

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