

Court No. - 10

Case :- WRIT - C No. - 34482 of 2023

Petitioner :- Sunrise Institute Of Education And Technology And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vineet Sankalp, Anuj Bajpai, Varad Nath

Counsel for Respondent :- C.S.C., Bajrang Bahadur Singh, Satya Prakash Singh

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Varad Nath and Sri Vineet Sankalp, learned counsel for the petitioners, learned Standing Counsel for the State-respondents, Sri Bharat Pratap Singh, learned counsel for the respondent no.2 and Sri G.K. Singh, learned Senior Counsel, assisted by Sri S.P. Singh, learned counsel for the respondent no.6 and perused the record.

2. By the order impugned dated 17.08.2023, the respondent no.5 (Principal/ Deputy Director, District Education and Training Institute, Dankour, Gautam Budh Nagar) has directed the respondent no.4 (Secretary, Examination Controller, U.P., Allahabad) not to send the students/candidates in the petitioner institution in the session 2023-24.

3. From a perusal of the record, it appears that on account of managerial dispute between the petitioner no.2 and the respondent no.6, the order impugned has been passed with an additional stand that the Principal/ Manager of the Institution has submitted an application dated 14.08.2023 that there are no sufficient resources available in the institution for conducting D.El.Ed. course.

4. This Court by order dated 27.09.2023 passed in Writ-C No.32956 of 2023 has already dealt with almost identical situation and various directions have been issued protecting the interest of the students/ candidates and the process of counselling etc. and also taking care of the rival claims qua managership in the institution.

5. The writ petition stands **disposed of** in terms of the order dated 27.09.2023 passed in Writ-C No.32956 of 2023 and the observations made in the said order shall also cover D.El.Ed. course.

6. The order impugned dated 17.08.2023 is **quashed**.

7. It is again made clear that the Court has not acknowledged anybody's right with regard to office bearer-ship in the Institution and this order or any other order passed in any other identical writ petition filed by the students of this Institution will not be interpreted or mis-interpreted in this way while claiming or according benefit of order dated 27.09.2023.

8. In so far as the direction contained in paragraph no.11(e) issued in the order dated 27.09.2023 is concerned, said direction to open account shall be applicable for respondent no.5 (Principal/ Deputy Director, District Education and Training Institute, Dankour, Gautam Budh Nagar) and not for University.

9. Date for opening account is extended upto 15.11.2023.

Order Date :- 16.10.2023

AKShukla/-