

Court No. - 35

Case :- WRIT - A No. - 18782 of 2023

Petitioner :- Dr. Avnish Kumar Dwivedi

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Lakshman Tripathi, Aniruddha Ojha

Counsel for Respondent :- C.S.C., Shesh Kumar Srivastava, Sushil Kumar Pandey

Hon'ble Vikas Budhwar, J.

1. On the oral request of the learned counsel for the writ petitioner Smt. Sandhya Shukla, Assistant Lecturer, Sahitya be impleaded as sixth respondent.

2. Heard Sri Laxman Tripathi, learned counsel for the writ petitioner, Sri Gaya Prasad Singh, learned Standing Counsel, has accepted notice on behalf of respondent no. 1 and 4, Sri Dev Kaushik holding brief of Sri Shesh Kumar Srivastava, who appears for respondents 2 and 3, Sri Sushil Kumar Pandey, learned counsel for the fifth respondent, and Sri Prabhakar Awashti who has accepted notice who incidentally present before this court and has made a statement that he appears for the sixth respondent and he has instructions in this matter.

3. Principally the challenge raised in the writ petition is an order dated 12.10.2023 issued by the third respondent, Registrar Sampurnanand Sanskrit University, Varanasi whereby the order dated 24.4.2023 has been cancelled.

4. Learned counsel for the writ petitioner submits that the order dated 12.10.2023 besides being in violation of principles of natural justice also non-speaking and un-reasoned order though relies upon certain communications but the writ petitioner has not been put to notice he is not aware and he is in dark with regard to the contents of the same.

5. Sri Dev Kaushik holding brief of Sri Shesh Kumar Srivastava, Sri Gaya Prasad Singh, learned Standing Counsel, Sri Prabhakar Awashti and Sri Sushil Kumar Pandey who appears for fifth respondent submits that once the position being so let the third respondent take a decision after putting to notice the writ petitioner the fifth respondent. According to him the order passed herein be

kept in abeyance and be made subject to the further orders to be passed by the third respondent. They have further made a statement that they do not propose to file any response to the writ petition.

6. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

7. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off with the following terms:- (a) the writ petitioner shall approach the third respondent, Registrar Sampooranand Sanskrit University, Varanasi while filing its version before 22nd November, 2023. (b) since the fifth and the sixth respondents are also represented their counsel, they shall also file their version on the said date. (c) it is also open for the parties to seek furnishing of the documents which would be furnished with most expedition.

8. A date of hearing be fixed in the week commencing of 28th November, 2023. Orders be passed by 8th December, 2023. The order dated 12.10.2023 passed by the second respondent, Vice Chancellor Sampooranand Sanskrit University, Varanasi shall be kept in abeyance and abide by the fresh orders to be passed therein.

9. Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

10. With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 8.11.2023

piyush