

Chief Justice's Court

Case :- SPECIAL APPEAL DEFECTIVE No. - 561 of 2023

Appellant :- Vice Chancellor Acharya Narendra Dev
University Of Agriculture And Technology, Ayodhya And
Others

Respondent :- Abhishek Pandey And Another

Counsel for Appellant :- Prashant Kumar Singh

Counsel for Respondent :- Amar Nath Dubey, Deepak Shukla

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Rajan Roy, J.

(C.M. Application No.1 of 2023)

This is an application seeking condonation of delay in filing the special appeal.

Heard Sri Prashant Kumar Singh, learned counsel for the appellant and Sri Amar Nath Dubey, learned counsel for the respondents.

Considering the cause shown in the affidavit in support of the application for condonation of delay which we find it to be satisfactory, we condone the delay.

Accordingly, the application seeking condonation of delay is allowed.

(Order on memo of appeal)

The contention of learned counsel for the appellant-University is that without giving any reason and ignoring the fact that the stand of the appellant-opposite party was that respondent no.1 herein was never admitted as per law to the course in question, the writ court has directed the appellant herein to treat him as a regular student and permit him to appear in examination as a regular student although examination has already been held by 1st April, 2023.

At this stage, Sri Amar Nath Dubey, learned counsel for the respondents says that the impugned order be quashed and the matter be remanded to the writ court for consideration afresh finally.

In view of the statement of learned counsel for the respondents,

we quash the impugned order dated 12.05.2023 which in any case we find it to be unreasoned and request the writ court to consider the petition on merits and decide it at the earliest.

The writ petition shall now be listed in the next week before the appropriate Bench which has been assigned such matters as per the roster determined by Hon'ble the Chief Justice.

The special appeal is accordingly **allowed**.

(Rajan Roy,J.) (Pritinker Diwaker, CJ)

Order Date :- 16.8.2023

Shanu/-