

Court No. - 7

Case :- WRIT - C No. - 10861 of 2023

Petitioner :- Jaswant Singh Bhadauria College Of Pharmacy,
Mathura Thru. Manager Sushil Kumar And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Deptt. Of
Technical Education, Lucknow And Others

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C., D.K. Singh Chauhan, Ravi
Singh

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioners, Shri Vivek Shukla, learned Additional Chief Standing counsel appearing for the respondent nos.1 & 2, Shri Ravi Singh, learned counsel appearing for the respondent no.3 and Shri D.K. Singh Chauhan, learned counsel appearing for the respondent no.4.

2. This Court has passed a detailed order on 14.12.2023, which for the sake of convenience, is reproduced below:

"Heard.

The contention of learned counsel for the petitioner is that the petitioner Institutions having been granted the affiliation and having participated in the counselling which was scheduled earlier, yet the said counselling having been quashed by this Court in a bunch of petitions with leading being Writ C No.8389 of 2023 in Re: HMS College of Pharmacy and Another Vs. State of U.P. and Others on 27.09.2023, a copy of which is annexure 6 to the petition, and a fresh round of counselling having been notified vide notice dated 05.12.2023, a copy of which is annexure 1 to the petition, per which the counselling is scheduled to start from 16.12.2023 to 26.12.2023 yet the counselling has only been restricted to 23 Institutions.

The contention is that there cannot be any occasion of the notice restricting the counselling to only 23 Institutions as indicated in the said notice, more particularly when the earlier counselling has already been quashed by this Court vide judgment and order dated 27.09.2023 which till date has not

been interfered with by the Division Bench of this Court in Special Appeal No.504 of 2023.

Despite the learned Standing counsel having been required to seek instructions vide order 12.12.2023, no instructions are forthcoming.

Shri Vivek Shukla, learned Additional Chief Standing counsel appearing on behalf of respondent nos.1 & 2 shall seek specific instructions as to the impediment in the petitioners being permitted to participate in the counselling as notified through the notice dated 05.12.2023, more particularly when the earlier round of counselling already stands quashed by this Court vide the judgment in the case of HMS College of Pharmacy (supra).

Considering that the counselling is scheduled to start from 16.12.2023, list this case tomorrow i.e. on 15.12.2023 as fresh."

3. Today, Shri Vivek Shukla, learned Additional Chief Standing counsel for the respondent nos.1 & 2 on the basis of instructions informs that there are only two colleges which had not been allocated any seats in the first round of counselling and since they have participated in the first round of counselling, consequently they cannot not be permitted to participate in the counselling now scheduled to start from 16.12.2023.

4. However, the Court is of the view that once the first round of counselling already stands quashed vide judgment and order dated 27.09.2023 passed by this Court in Writ C No.8389 of 2023 in Re: HMS College of Pharmacy, Bulandsahar Thru. President Himanshu Sharma and Another Vs. State of U.P. and Others and moreover, considering that the judgment and order dated 27.09.2023 passed in Writ C No.8389 of 2023 still holds good and has not been stayed in the special appeal which has been filed by the State and new counselling is now scheduled to be held from 16.12.2023 consequently there does not appear to be any impediment in permitting the petitioners to participate in the counselling scheduled from 16.12.2023.

5. Considering the aforesaid, the writ petition is **disposed of**.

6. It is provided that the petitioners shall be permitted to participate in the counselling scheduled to be held from 16.12.2023 in accordance with law provided there is no legal impediment.

Order Date :- 15.12.2023

S. Shivhare