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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7862/2016**

JITENDRA KUMAR MEENA Petitioner
Through **Mr.Pawan Kumar and Mr.Sunil**
Chaudhary, Advs.
versus

SHRI RAM COLLEGE OF COMMERCE AND ORS Respondents
Through **Mr.Amit Bansal, Adv. for R-1.**

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
ORDER
% **05.09.2016**

C.M.No.32522/2016 (Exemption)

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7862/2016 & C.M.No.32521/2016(Stay)

The present petition under Article 226 of the Constitution of India prays as follows:

- (a) By and appropriate writ, direction the notice/minutes of meeting dated 31.08.2016 set aside and declared ultra virus as the same is illegal;
- (b) By an appropriate writ, direction the petition to contest election for the post of president in the student union election and declare the petitioner eligible candidate for the post of president of student union SRCC.
- (c) For such further and other writ, orders and directions as the nature and circumstances of the case may require.

In the said meeting dated 31.08.2016, in pursuance to the minutes of the meetings held on 09.08.2016, a determination was made that the additional criteria regarding requirements of marks as detailed in the college Handbooks of the Shri Ram College of Commerce for the year 2104-15 and earlier, in relation

to minimum eligibility criteria for contesting elections for the post of President and Secretary, Students' Union to the said college would stand.

Learned counsel appearing on behalf of the petitioner has handed over, in court, today a copy of the communication/notice dated 02.09.2016 pertaining to Students' Union Elections 2016-17 scheduled to be held on 09.09.2016 at Shri Ram College of Commerce, Delhi University. A perusal of the same reveals that the petitioner's nomination for the post of President of Students' Union has been rejected for the reason that he has obtained less than the minimum number of marks required to be eligible to contest the said election to the post of President of the Students' Union of the said college for the year 2016-17.

Mr. Bansal who appears on advance notice on behalf of the Shri Ram College of Commerce states that the petitioner has an equally effective alternative remedy, as the notice dated 02.09.2016 assailed in the present petition is appealable to the Principal of Shri Ram College of Commerce.

Mr. Bansal further states that in the event the petitioner files an appeal assailing the impugned notice dated 02.09.2016, the same would be determined by the Principal, Shri Ram College of Commerce, in accordance with law expeditiously. Mr. Bansal, on instructions, also states that the notice dated 02.09.2016 referred to hereinabove, rejecting the petitioner's nomination for the post of President of the Students' Union, shall be kept in abeyance till the determination of the proposed appeal, if filed expeditiously.

In view of the foregoing, counsel appearing on behalf of the petitioner seeks leave to withdraw this petition with liberty to institute an appeal against the impugned notice dated 02.09.2016 before the Principal, Shri Ram College of Commerce.

Leave and liberty granted, subject to the proposed appeal being filed during office hours on or before the 06.09.2016. It is further directed that the notice dated 02.09.2016 rejecting the petitioner's nomination for the post of President of the Students' Union, shall be kept in abeyance till the determination

of the proposed appeal, in accordance with law, if filed as directed hereinbefore.

The writ petition is disposed of accordingly.

Copy of the order be given dasti under the signature of Court Master.

SIDDHARTH MRIDUL, J

SEPTEMBER 05, 2016

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