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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 5th January, 2022

+ LPA 515/2021

**MANAGEMENT EDUCATION AND RESEARCH
INSTITUTE & ANR.**

..... Appellants

Through: Mr. R.K. Saini, Mr. Ankit Singh &
Mr. Akhil Jaitley, Advocates

versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Zahid, Advocate for Mr. Naushad
Ahmed Khan, Additional Standing Counsel
(Government of NCT of Delhi) for R-1**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MS. JUSTICE JYOTI SINGH****JUDGMENT****D. N. PATEL, Chief Justice (Oral)**

Proceedings have been conducted through video conferencing.

CM APPL.47645/2021 (exemptions)

Allowed, subject to all just exceptions.

The application is disposed of.

LPA 515/2021 & CM APPL.47644/2021 (stay)

1. This Letters Patent Appeal has been preferred by the original Petitioners in W.P.(C) 12539/2021. The Appellants are aggrieved by an order of adjournment dated 21st December, 2021 (Annexure A-1 to the



memo of this appeal), passed by the learned Single Judge in CM Application No.41343/2021 in W.P.(C) 12539/2021.

2. We have heard learned counsel appearing for the Appellants and looked into the facts and circumstances of the case.

3. The impugned order dated 21st December, 2021 passed by the learned Single Judge reads as under:-

*“It is not possible to hear the matter today due to paucity of time.
List on 24.01.2022.”*

4. It is an undisputed position that the writ petition is pending before the Learned Single Judge and is listed for hearing on 24th January, 2022. In the impugned order, the Learned Single Judge has only observed that due to paucity of time, it is not possible to hear the matter and thus, clearly no rights or liabilities of the parties have been adjudicated upon and the Appeal is not maintainable.

5. At this stage, learned counsel appearing for the Appellants urges that there is an urgency in the matter as the writ petition pertains to reduction of the intake capacity in the Bachelor of Computer Application (‘BCA’) Course, as the seats have been reduced from 60 to 40, without any justifiable reason and on account of the reduction the Appellants are suffering.

6. Looking at the nature of reliefs sought and considering that the writ petition is listed before the learned Single Judge on 24th January, 2022, we request the learned Single Judge to make an endeavour to hear the writ petition or at least the stay application being CM Application No.39478/2021, on the next date of hearing.



7. The Appeal is accordingly disposed of with the aforesaid observation along with the pending application. It is made clear that we have not expressed any opinion on the merits of the matter.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 05, 2022

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