

CM-5990-CWP-2023 in/and  
CWP-12581-2017

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2023:PHHC:057061

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(104)

CM-5990-CWP-2023 in/and  
CWP-12581-2017

Date of decision: - 24.04.2023

Tagore College of Education and another

....Petitioners

Versus

MDU Rohtak and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jitender K. Sehrawat, Advocate,  
for the applicant-petitioners.

Mr. Amit Rao, Advocate, for respondent No.1.

Mr. Rishabh Gupta, Advocate, for respondent No.2.

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VIKAS BAHL, J. (ORAL)

CM-5990-CWP-2023

1. This is an application under Order 9 Rule 9 read with Section 151 of the CPC for recalling the order dated 29.03.2023 whereby the main writ petition was dismissed for non-prosecution.

2. Notice in the application to the respondents.

3. For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The order dated 29.03.2023 is recalled and the main writ petition is restored to its original number.

CWP-12581-2017

1. This writ petition has been filed under Articles 226/227 of

the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 30.03.2017.

2. On 10.11.2017, Co-ordinate Bench of this Court was pleased to pass the following order: -

*“This is an application for declaration of the result of the students. After hearing both the learned counsel it has been agreed between the parties that the petitioner shall create a fixed deposit in the name of the Registrar General of this Court, amounting to Rs.2,00,000/- in Nationalised Bank and would submit a receipt thereof to respondent No.1. Counsel for respondent No.1 states that immediately after the receipt is submitted, respondent No.1 would declare the result of the students.*

*It is further directed that the amount deposited shall be subject to outcome of the writ petition.*

*Application disposed of.*

**[ AJAY TEWARI ]**  
**JUDGE**

*November 10, 2017”*

3. Learned counsel for the petitioners as well as learned counsel appearing for respondents No.1 and 2 have submitted that the only issue that survives in the present writ petition is as to whom the said amount has to be paid. It is fairly submitted by all the three learned counsels that the said amount of Rs.2,00,000/-, alongwith interest, if any, be paid to the “PGI Poor Patient Welfare Fund”.

4. The said submission of learned counsel for the parties is highly appreciated by this Court.

5. Learned counsel for the petitioners has submitted that the present writ petition has been rendered infructuous and the same may be disposed of as such.

6. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of as having been rendered infructuous.

7. The Registrar General of this Court is directed to transfer the amount of Rs.2,00,000/-, alongwith interest, if any, deposited by the petitioner in pursuance of order dated 10.11.2017 passed by Co-ordinate Bench of this Court, directly to the “PGI Poor Patient Welfare Fund”.

**April 24, 2023**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No