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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9012/2015

RAJAT BHATNAGAR & ORS. Petitioners
Through: Ms Pritha Srikumar, Adv.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Bhagwan Swarup Shukla, Adv. for
R-1.

Mr Sanjay Jain, ASG with Mr Anil Kaushik, Mr
Tanmaya Mehta & Mr Rohit Singh, Advs. for R-
2.

Mr Apoorv Kurup & Mr A.C. Boxipatro, Adv. for
R-3.

Mr Amitesh Kumar, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

14.12.2015

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CM No. 30534/2015 (u/s 151 CPC by petitioners)

1. Issue notice.
2. Mr Shukla accepts notice for respondent no.1, while Mr Anil Kaushik accepts notice for respondent no.2...Notice on behalf of respondent no.3 and 4 is accepted by Mr Apoorv Kurup and Mr Amitesh Kumar, respectively.
3. None of the counsels, who appear for the respondents, seek to file a reply to the application. In fact, respondent no. 1, 2 & 4 join the petitioners in their prayer that the semester examinations for the subject course should be conducted as per the academic calendar issued in that behalf.

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4. Mr Jain, learned ASG, on instructions of Mr Anil Kaushik, who appears for respondent no.2, submitted his suggestions in writing, which were handed over in court to me, as well as to the counsels for the parties. Broadly, the suggestion made by the learned ASG, entailed setting up of a committee to conduct the examination. It was suggested by Mr Jain that a committee comprising of a retired High Court Judge, the Managing Director of respondent no.2, a representative of respondent no.3/ UGC, one representative from respondent no.4/ Mewar University and one representative from the Ministry of Commerce and Industry, be formed for the said purpose.

5. I may only note that Mr Amitesh Kumar, who appears for respondent no.4/ Mewar University, says that, while he has no difficulty with the prayer made in the application vis-a-vis a direction to be issued for holding examinations, the formation of a committee will involve difficulties. He says that respondent no.4/ Mewar University, in the past, has held examinations and, therefore, would like to continue to discharge that obligation.

6. Mr Kurup, who appears for respondent no.3/ UGC, says that the formation of a committee may perhaps dilute its stand in the main matter and, therefore, it would not serve the purpose which is sought to be achieved.

7. It may be noted that Mr Jain's suggestion of formation of a committee was perhaps put forth only to further the best interest of the students, lest objections are taken at a later stage as to the legitimacy of the agency which is conferred with the responsibility to hold the examination.

8. In view of the fact that there is no consensus as to the manner in which the examination has to be held, I direct respondent no.4/ Mewar University to hold the examination as per the extant academic calendar. It is, however, made clear, since the petition is yet to be adjudicated upon, this direction is issued, without prejudice to the rights and contentions of respondent no.3/ UGC.

8.1 It is however, quite apparent that this is a case in which respondent no.3/ UGC needs to find a solution to the problem which has been articulated in the writ petition, in the best interest of the students.

9. Mr Kurup says that he will put forth the concern of the court before the concerned authority and, if necessary, obtain the opinion of a law officer in the matter for the benefit of respondent no.3/ UGC.

10. The application is disposed of with the aforesaid directions.

11. Dasti.

DECEMBER 14, 2015

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RAJIV SHAKDHER, J