

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No. 160 of 2011

Baba Farid Institute of Technology Appellant

Versus

State of Uttarakhand & others Respondents

Mr. L.P. Naithani, Senior Advocate assisted by Mr. Lalit Sharma, Advocate for the appellant.

Mr. J.P. Joshi, Chief Standing Counsel for the State/respondent Nos. 1 & 4.

Mr. Atul Bahuguna, Advocate for respondent Nos. 2 and 3.

Mr. Gajendra Tripathi, Advocate for respondent No. 5.

Mr. M.C. Pande, Advocate for respondent No. 6.

Date of Judgment: 29.07.2011

JUDGMENT

Coram: Hon'ble Barin Ghosh, C.J.

Hon'ble V.K. Bist, J.

BARIN GHOSH, C.J. (ORAL)

In the writ petition, it is being contended that the State Government, in terms of the provisions contained in the Uttaranchal Technical University Act, 2005, was not entitled to make a recommendation, as it purported to make on 24th June, 2011. Prima facie, it does not appear that the said Act authorized the State Government to do, what it purported to do by and under its letter dated 24th June, 2011, even assuming the State Government could do, what it did by the letter dated 24th June, 2011. In terms of the provisions contained in Section 26 of the said Act, it was obligatory on the part of the State Government to bring to the notice of the Institution, the findings made by its inspection team. It is the claim and the contention of the appellant that the State Government did not do so before writing the letter dated 24th June, 2011, asking the Vice Chancellor, Uttarakhand Technical University to cancel affiliation of the appellant. Furthermore, it appears that for the purpose of inspection of institution, the inspection team, as was constituted by the State Government, was comprised of amongst others the Sub Divisional Magistrate and that the inspection report has been signed by four out of eight of the inspectors. We, accordingly, restrain Vice-Chancellor, Uttarakhand Technical University, Dehradun as well as All India Council for Technical Education, to even look into that letter of the Government dated 24th June, 2011, until the writ petition is heard and decided finally.

2. In view of the order as above, no purpose will be served to keep the appeal pending. We, accordingly, dispose of the appeal.

3. We make it clear that the observations, as above, are only for the purpose of supporting the order as passed above and, accordingly, none of such observation shall stand in the way of the learned Single Judge, deciding the writ petition finally.

(V.K. Bist, J.)
29.07.2011

(Barin Ghosh, C.J.)
29.07.2011

Aswal