

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>31.03.2022</u>		<p>WPMS No. 449 of 2021</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Bhupesh Kandpal, Advocate, for the petitioner.</p> <p>Dr. Kartikey Hari Gupta, Advocate, for respondent No. 1.</p> <p>Mr. Shailendra Nauriyal, Advocate, for respondent No. 2.</p> <p>The petitioner, which is running an educational institution contends that the institution has been granted permission for running the Para Medical Courses and stood affiliated with Hemwati Nandan Bahuguna (HNB) Garhwal University.</p> <p>The learned counsel for the petitioner submits, that in the light of the provisions contained under Section 37(2) of the U.P. State Universities Act, to be read with Section 4(f) of the Central University Act of 2009, the permission and affiliation once granted to the petitioner, would continue to operate and he further submits and as per the permission granted by the University to the petitioner for conducting the courses vide Government Order No. 544/XXXVIII(1)/2014-17 dated 28.11.2014, the petitioner institution figures at Sl. No. 11 of the schedule given therein and out of 3 courses, which have been recognised therein, the issue here would be concerned pertaining to B.Sc. (Medical Lab Technology) i.e. subject appearing at Sl. No. 2, to the sanctioned granted where the petitioner was granted to make admission upto the extent of 10 intake of students.</p> <p>The petitioner had filed the writ petition, contending thereof that by the communication dated 04.02.2021, issued by the Hemwati Nandan Bahuguna (HNB) Garhwal University, may be quashed and simultaneously, the University may be directed to accept the examination form for the first year students for the academic year 2019-20 for BPT, BMM, BMLT and MPT courses.</p>

			<p>In fact, the second relief has had to be read in modulation, based on the statement, which has been made by the learned counsel for the petitioner, today at the bar that in fact, out of the total sanction granted for the different subjects for the aforesaid academic year 2019-20, the petitioner has only admitted 10 students for B.Sc. (Medical Lab Technology), and for the other courses, no admission for the aforesaid academic year was made by the petitioner institution.</p> <p>On the basis of the aforesaid argument and statement of the learned counsel for the petitioner, he attempts to substantiate, that the relief 2, sought for acceptance of the application form for examination of the first year students for B.Sc. (Medical Lab Technology), since falls well within the parameters of sanction already granted to the petitioner by the Government Order dated 28.11.2014, there could not be any legal embargo, as such to not to permit the students upto 10 intakes, as it goes in consonance to the sanction granted.</p> <p>The learned counsel for the petitioner submits that the matter stands covered by the issue which has already been decided by this Court on 17.08.2021, vide its judgment rendered in Writ Petition (M/S) No. 429 of 2021, Sai Institute of Paramedica and Allied Sciences Vs. State of Uttarakhand and others.</p> <p>In that eventuality, and the backdrop, as already dealt with above, this writ petition, too would stand disposed of in terms of the judgment dated 17.08.2021, but qua the B.Sc. (Medical Lab Technology) only, for which the admission was granted by the petitioner to the students for the academic year 2019-2020.</p> <p>Accordingly, the writ petition stands disposed of.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.) 31.03.2022</p>
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