

(2013) 08 MP CK 0166

Madhya Pradesh High Court

Case No: Writ Petition No. 4806 of 2013

Sipi Sharma and
Others

APPELLANT

Vs

State of MP and
Others

RESPONDENT

Date of Decision: Aug. 12, 2013

Hon'ble Judges: Vimla Jain, J; Rajendra Menon, J

Bench: Division Bench

Advocate: Ghanshyam Sharma, for the Appellant; Sanjay Dwivedi, Government Advocate for State, Shri K.K. Singh for Respondent No. 2 and Shri V. Mishra, for the Respondent

Final Decision: Disposed Off

Judgement

1. Petitioners were students who was granted admission to the B.Ed Course in the Academic Session 2007-08, and contending that the result of the petitioners is not being declared by the University, this writ petition is filed. Learned counsel for the respondents point out that this is one of the case where the recognition and affiliation granted to the Institute in question i.e. ... Rajendra Katare Shiksha Mahavidyalaya, Shahdol, was cancelled; recognition was never granted to the Institute in question; and, the Institute without even grant of recognition admitted the students. The matter came to this Court and thereafter travelled to the Supreme Court in a SLP filed. The Supreme Court, in the SLP filed by most of the colleges, passed an interim order directing for grant of admission provisionally, but subsequently the SLP has been dismissed and, therefore, the Institute is not recognized by the National Council for Teacher Education. Accordingly, the University points out that now result of the students cannot be declared.

2. Learned counsel for the respondents invited out attention to order-dated 15.7.2013, passed by a Division Bench of this Court in Writ Petition No. 21538/2012, to say that similar petitions have been dismissed and liberty has been granted to the students to claim compensation from the Institute in case they have any grievance

in the matter.

3. Keeping in view the aforesaid facts and circumstances, now as it is clear that petitioners took admission in the institute of respondent No. 4 and further as the institute of respondent No. 4 was not Sipi Sharma and others Vs. State of MP and others recognized by the National Council for Teacher Education to impart education for the course in question, we see no reason to issue any mandamus or direction to the university for declaration of the result.

4. In the present petition, as the petitioners have made an alternate submission claiming compensation of `1 Lac from the Institute - respondent No. 4 in accordance to the principle laid down by the Supreme Court in the case of Abhudya Sanstha Vs. Union of India and others, in Civil Appeal Nos. 4305-4306/2011, petitioners are granted liberty to raise a claim before the Institute and the Institute shall settle the claim in this regard within a period of two months, failing which the petitioners shall be at liberty to approach this Court for claiming compensation. Accordingly, granting liberty to the petitioners to claim compensation from the Institute in accordance to the directions issued by the Supreme Court, in the case of Abhudya Sanstha (supra), this petition is disposed of.