

ITEM NO.6 Court 5 (Video Conferencing)

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).2404-2405/2021

(Arising out of impugned final judgment and order dated 02-12-2020 in WA No. 549/2020 and WA No. 550/2020 passed by the High Court of Karnataka at Bengaluru)

THE STATE OF KARNATAKA &amp; ANR.

Petitioner(s)

VERSUS

MOOGAMBIGAI CHARITABLE AND EDUCATIONAL TRUST &amp; ORS. Respondent(s)

(WITH I.R. and IA No.18287/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-06-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
 HON'BLE MR. JUSTICE R. SUBHASH REDDY  
 HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Nikhil Goel, AAG, Karnataka  
 Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. G. Umapathy, Adv.  
 Mr. Rohit K. Singh, AOR

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 The Special Leave Petitions arise out of an interim order of a Division Bench of the High Court of Karnataka dated 2 December 2020 in Writ Appeal Nos 549 and 550 of 2020.
- 2 Taking note of the fact that for academic year 2020-21, 132 out of 252 seats had been 'counseled' by the Directorate General of Health Service<sup>1</sup>, the High Court, "in the interest of uniformity and parity", ordered that the balance 118 seats be

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<sup>1</sup> "DGHS"

also counseled by the DGHS. At the present point of time, this interim order of the High Court has worked itself out for academic year 2020-21.

- 3 Mr Nikhil Goel, learned AAG appearing on behalf of the petitioners, however, submits that this interim order of the Division Bench does not take cognizance of the fact that a mandamus had been issued by the order of the learned Single Judge dated 3 November 2020 as a result of which the notification issued by the Central Government, by which the College was included in the ambit of a deemed university outside the State of Karnataka was quashed. Learned counsel submits that the interim order of the High Court has incorrectly proceeded on the basis that the notification dated 14 February 2019 continues to hold the field. Moreover, it has been submitted that though as many as five orders have been passed after the impugned order for rectification of office objections, the appellants in the writ appeal have not done so, as a result of which the writ appeal cannot be heard expeditiously. In the meantime, the same problem is (it is apprehended) liable to be recurred for the ensuing academic year.
- 4 Mr G Umapathy, learned counsel, has entered appearance on behalf of the first respondent, on caveat.
- 5 Having heard Mr Nikhil Goel and Mr G Umapathy, we are of the considered view that at this stage the interference of this Court with the interlocutory order of the High Court is not warranted. However, it is in public interest, bearing in mind the education and careers of the students that the writ appeals are taken up by the High Court expeditiously so as to obviate any complications arising in the admissions for the ensuing academic year.
- 6 We accordingly request the High Court to issue peremptory directions within two weeks of the receipt of a certified copy of this order for the removal of office

objections so that the writ appeals can be made ready for final disposal, if the objections have still not been removed.

- 7 Learned counsel appearing on behalf of the first respondent has stated that the writ appeals are listed for hearing on 5 July 2021. We request the High Court to take up the writ appeals expeditiously bearing in mind the need to resolve the controversy so as to bring clarity to the admission process for academic year 2020-21.
- 8 The Special Leave Petitions are accordingly disposed of.
- 9 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**