**Before The Hon'ble State Administrative Tribunal At Shimla**

O. A. No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Application Under Section 19 of the H.P. Administrative Tribunals Act, 1985

Shimla Applicant

\_\_\_\_\_\_ Through, Advocates

Respectfully Sheweth :

1. Particulars of the Applicant

As given in the Memo of Parties.

2. Particulars of the Respondents

As given in the Memo of Parties.

3. Impugned Order:

That the applicant is aggrieved by the impugned order dated \_\_\_\_\_\_ (Annexure A-1) issued by the respondents whereby they have put a cut off date as \_\_\_\_\_\_ for recognising the degree of \_\_\_\_\_\_ conferred by the \_\_\_\_\_\_ University, \_\_\_\_\_\_ through correspondence courses and not recognising the degree of \_\_\_\_\_\_. through correspondence courses conferred after \_\_\_\_\_\_.

4. Jurisdiction:

That the applicant declares that the subject matter is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation:

That the applicant further declares that the application is within the limitation.

6. Facts of the Case:

6.1 That the applicant submits that

GROUNDS

6.2 That feeling aggrieved by such an arbitrary, malafide, discriminatory and illegal actions of the respondents, the applicant seeks the indulgence of this Hon'ble Tribunal on the following grounds amongst others, which may be taken at the time of arguments, each one of which is without prejudice to and independent of others :-

(a) That the impugned order issued by the respondent is arbitrary, malafide, illegal, ultra vires, against the Articles 14 and 16 of the Constitution of India, dehors the rules and regulations and against the natural justice.

(b) That the cut-off date of \_\_\_\_\_\_ laid down by the respondents has no nexus with the object sought to be achieved by such notification.

(c) That there is no intelligible differentia for laying down the cut-off date on \_\_\_\_\_\_ and dividing the similarly situated \_\_\_\_\_\_degree holders through correspondence courses from the same institute into two unreasonable and irrational classes on the basis of dates of obtaining of their degrees since there is no qualititative or quantitative difference in the course undergone by them.

(d) That the applicant was legitimately expecting that his degree will also be recognised in the manner the degree of other similarly situated persons have been recognised.

(e) That moreover, there is no logic behind laying the cut-off date on \_\_\_\_\_\_ by a notification dated \_\_\_\_\_\_ (Annexure A-1). The notification could have either been issued prospectively or even if the respondents have exercised the discretion vested with them to make any policy or decision retrospectively in that event it will as well cover the similarly situated persons prospectively and laying of cut of date on an imaginary and fictional point is illegal, illogical, discriminatory, unconstitutional and arbitrary. The respondents can not confer benefits ona favoured few by making mini-classifications on imaginary and fictional basis of date.

(f) That the respondents are estopped due to their own act, deed and conduct. The principle of the Promissory Estopple applies against the respondents.

(g) That the impugned order is against the well settled principles of the law as laid down by the Hon'ble Supreme Court and this Hon'ble Tribunal in catena of cases.

7. Reliefs Sought:

That the applicant, therefore, prays that your Lordship be pleased to issue an appropriate writ, orders or directions to grant the following reliefs in favour of the applicant in the interest of justice:-

(a) Quash the impugned order Annexure A-1 issued arbitrarily, malafidely and illegally by the respondents to the extent it lays down cut off date on \_\_\_\_\_\_ by applying the principle of Severability and declare the impugned order Annexure A-1 as having prospective effect;

(b) Direct the respondents to recognise the degree of \_\_\_\_\_\_ conferred on the applicant by the \_\_\_\_\_\_University \_\_\_\_\_\_ through correspondence and accordingly list the name of the applicant amongst the \_\_\_\_\_\_ qualified candidates at its appropriate seniority;

(c) Direct the respondents to produce all the relevant documents alongwith reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this O.A.;

(e) Pass such other order or directions as deemed fit and proper in favour of the applicant.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

8. Interim Orders, If Prayed:

At this time no interim order is prayed for.

9. Details of Remedies Exhausted:

That the applicant submits that since the matter being of an urgent nature, there is no other alternative speedy and efficacious remedy available to him except to approach this Hon'ble Tribunal.

10. Matter not Pending with any Other Courts Etc:

That the applicant further declares that the matter regarding which this application has been made, is not pending before any court of law or any other Authority or any other bench of this Hon'ble tribunal.

11. Particulars of Court Fees:

Court fees worth Rs 50/- is attached herewith.

12. Details of Index:

An index containing the details of the documents to be relied upon is enclosed herewith.

Shimla Applicant

\_\_\_\_\_\_ Through, Advocates

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

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Affidavit in support of O.A. under Section 19 of the H.P. Administrative Tribunals Act 1985.

I,\_\_\_\_\_\_, do hereby solemnly, affirm and declare as under :-

1. That the accompanying O.A. has been prepared under my instructions.

2. That the contents of paras 1 to 12 of the accompanying application are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

O. A. No:\_\_\_\_\_\_ of 2004

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**Index**

|  |  |  |  |
| --- | --- | --- | --- |
| Sl No | Annx | Particulars of Documents | Pages |
| 1 |  | Court Fees | [I] |
| 2 |  | Memo of Parties | 1 |
| 3 |  | OA | 2 |
| 4 |  | Affidavit |  |
| 5 | A-1 |  |  |
| 6 | A-2 |  |  |
| 7 | A-3 |  |  |
| 8 | A-4 |  |  |
| 9 |  | Power of Attorney |  |

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\_\_\_\_\_\_ Through, Advocates