

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 109 OF 2013
(@ SPECIAL LEAVE PETITION(C.)NO.31780 OF 2012)

REGISTRAR OF JADAVPUR UNIVERSITY ... APPELLANT

VERSUS

ARINDAM DUTTA GUPTA & ORS. ... RESPONDENTS

O R D E R

1. Leave granted.
2. Respondent nos.2 to 6 are not served. However, learned counsel appearing for respondent no.1 would submit that the un-served respondents are not necessary parties for the purpose of disposal of this appeal.
3. Respondent No. 1 is a student studying in an Engineering college. Since numbers of seats were lying vacant in various disciplines of the engineering faculty in the colleges run by the appellant-University, the respondent had approached the Writ Court for appropriate directions. The Writ Court, without taking into account the various Government Orders on the subject prevailing as on that date,

proceeded to issue direction to the appellant-University in favour of the Respondent No. 1 to allot an Engineering seat to him.

4. We have heard learned counsel for the parties to the *lis* and also carefully perused the impugned judgment and order passed by the High Court. Learned counsel appearing for the University has also brought to our notice the various Government Orders and Circulars issued, from time to time by the State Government which would govern the admissions to the appellant-colleges. We are of the considered view that the High Court before issuing a positive direction to the appellant-University to admit respondent no.1, ought to have taken into account the respective various Government Orders and the Circulars prevailing as on that date, insofar as admissions to the professional colleges are concerned. Since that has not been done, we cannot sustain the impugned judgment and order passed by the High Court. Accordingly, we allow this appeal and set aside the

judgment and order dated 18.09.2012 passed by the High Court.

Ordered accordingly. No order as to costs.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
JANUARY 07, 2013.



JUDGMENT