

Court No. - 3

Case :- WRIT - C No. - 7022 of 2023

Petitioner :- Executive Committee Maulana Mohamad Ali Jauhar Trust

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Imran Ullah, Mohammad Khalid, Sr. Advocate

Counsel for Respondent :- CSC

Hon'ble Surya Prakash Kesarwani, J.

Hon'ble Anish Kumar Gupta, J.

Heard Shri Shashi Nandan, learned Senior Advocate assisted by Shri Kunal Shah, learned counsel for the petitioner and Shri Ajit Kumar Singh, learned Additional Advocate General assisted by Shri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents.

This writ petition has been filed praying for the following reliefs:

"I. Issue a writ, order or direction in the nature of Certiorari quashing the impugned Office Memorandum dated 31.01.2023 issued by the Respondent No. 2, a copy whereof is annexed as Annexure-1 to the instant Writ Petition.

II. Issue a Writ, order or direction in the nature of Certiorari quashing the impugned order dated 31.01.2023 passed by the Respondent No. 3, a copy whereof is annexed as Annexure-2 to the instant Writ Petition.

III. Issue a Writ, order or direction in the nature of Certiorari quashing the impugned notice dated 15.02.2023 issued by the Respondent No.7, a copy of which is annexed as Annexure-3 to the instant Writ Petition.

IV. Issue a Writ, order or direction in the nature of Mandamus commanding the Respondents not to take any coercive measure against the Petitioner trust on the strength of impugned office memorandum dated 31.01.2023, impugned order dated 31.01.2023 as well as the impugned notice dated 15.02.2023 issued by the Respondent No. 7.

V. Issue such other Writ, order or direction as this Hon'ble Court deems fit and proper in the circumstances of the case."

Learned Additional Advocate General states that the learned Advocate General shall argue this case, who is not available today and, therefore, the matter may be taken up on Tuesday i.e., 21.03.2023.

Shri Shashi Nandan, learned Senior Advocate for the petitioner submits that he is

not opposing the adjournment but the difficulty is that the internal examination of students of the institution from Class 1 to 9 and Class 11 are going on, which shall conclude on 18.03.2023 and, therefore, till the examination is concluded, no interference may be made.

Shri Ajit Kumar Singh, learned Additional Advocate General states on instructions that class rooms required for internal examination of students on 17.03.2023 and 18.03.2023 shall be opened and no interference in the class rooms shall be caused by the State-respondents during the course of conduct of the examination i.e., from 6 A.M. to 3 P.M. on both days.

In view of fair stand taken by the learned Additional Advocate General, no further order is required to be passed at this stage. We direct that the State-respondents shall abide by the statement made by the learned Additional Advocate General, as aforementioned.

This order shall be communicated today by the learned Additional Advocate General to the respondents, who shall ensure compliance of the order.

List/Put up in the additional cause list on 21.03.2023 at 2 P.M.

Order Date :- 16.3.2023

Ankit.