

WP(C) No. 33 OF 2015

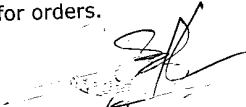
Versus

PETITIONER/ (ADVOCATE(S)) FOR -----	Ms. Chitra Sharma, Mr.Shakeel Ahmed, Mr.Yogesh Kumar Sharma and Mr.S.P. Bhutia
RESPONDENT/ (ADVOCATE(S)) FOR -----	Mr.J.B.Pradhan, Addl. Advocate General Mr.Karma Thinlay, Sr. Govt. Advocate with Mr.S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocate

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
01.	08.06.2015	WP (C) No.33 of 2015 Malvika Foundation & Anr. vs Human Resource Development Department & Anr. <u>BEFORE</u> HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE Present: Mr. Shakeel Ahmed with Mr. Yogesh Kumar Sharma, Ms. Chitra Sharma and Mr. S. P. Bhutia, Advocates for the Petitioners. Mr. J. B. Pradhan, Additional Advocate General with Mr. S. K. Chettri, Mrs. Pollin Rai, Assistant Government Advocates and Mr. Bhusan Nepal, Legal Retainer, H.R.D.D. for the State-Respondents. ----- The Writ Petition has been filed being aggrieved by the notice dated 30.04.2015, Annexure P1 to the Writ Petition, by which it has been notified that the State Government had approved dissolution of the Petitioners EIILM University under Section 47 of the EIILM University Act, 2006, and that no students should apply for fresh admission in the University for the forthcoming academic session of 2015-16. Mr. Shakeel Ahmed, Learned Counsel for the Petitioners, submits that in terms of proviso to Sub-Section (3) of Section 47 of the EIILM University Act, 2006, it is incumbent on the State-Respondents to give an opportunity to the Petitioners to show cause before taking such

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		action as announced in the impugned notice dated 30.04.2015. This having not been done, the action would amount to violation of the principles of natural justice and the aforesaid proviso. Upon consideration of the submissions of the Learned Counsel for the Petitioners, and upon perusal of the relevant records and the pleadings, I am inclined to admit the Petition for hearing. Accordingly, it stands admitted. Notice is dispensed with as Mr. J. B. Pradhan, Learned Additional Advocate General, accepts it on behalf of the State-Respondents. List on 26.06.2015 for orders.  Judge 09-06-2015

Index : Yes/No
Internet : Yes/No

ds/to

IN THE HIGH COURT OF SIKKIM
CIVIL JURISDICTION

CM Appl. No. 133 OF 2015
(In WP(C) No.33/2015)

1. Malvika Foundation,
B-II/66, M. C. I. E.,
Delhi-Mathura Road,
New Delhi- 110044,
Through its Trustee Sh. Suresh Sachdev.
 2. Eastern Institute for Integrated Learning in
Management University 8th Mile, Budang, Malabassey,,
West Sikkim – 737121,
Through Sh. Suresh Sachdev, Trustee of
Sponsoring body of Petitioner No.2.
- Applicants

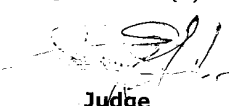
Versus

1. Human Resource Development Department,
Government of Sikkim,
Tashiling Secretariat,
Gangtok.
 2. State of Sikkim,
Through Chief Secretary,
Government of Sikkim.
Gangtok, Sikkim.
- Respondents

PETITIONER/
(ADVOCATE(S))
FOR ----- Ms. Chitra Sharma, Mr.Shakeel Ahmed, Mr.Yogesh
Kumar Sharma and Mr.S.P. Bhutia

RESPONDENT/
(ADVOCATE(S))
FOR ----- Mr.J.B.Pradhan, Addl. Advocate General Mr.Karma
Thinlay, Sr. Govt. Advocate with Mr.S.K. Chettri and Ms.
Pollin Rai, Asstt. Govt. Advocate

Case No.....

Serial No.	Date	Order (s) with Signature (s)
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01.	08.06.2015	CM.Appl. No.133 of 2015 in WP (C) No.33 of 2015 Malvika Foundation & Anr. vs Human Resource Development Department & Anr. BEFORE HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE Present: Mr. Shakeel Ahmed with Mr. Yogesh Kumar Sharma, Ms. Chitra Sharma and Mr. S. P. Bhutia, Advocates for the Petitioners/Applicants. Mr. J. B. Pradhan, Additional Advocate General with Mr. S. K. Chettri, Mrs. Pollin Rai, Assistant Government Advocates and Mr. Bhusan Nepal, Legal Retainer, H.R.D.D. for the State-Respondents. ----- In view of the finding recorded today in WP (C) No.33 of 2015 that there is <i>prima facie</i> violation of proviso to Sub-Section (3) of Section 47 of the EIILM University Act, 2006, it is directed that State-Respondents shall not take further steps in pursuance of the notice dated 30.4.2015 marked Annexure P1 (collectively). The State-Respondents shall show cause as to why this Rule shall not be made absolute. Let the show cause be filed within 15 (fifteen) days. List on 26.06.2015 along with WP (C) No.33 of 2015.  Judge 08-06-2015 Index : Yes/No Internet : Yes/No

ds/td