

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9227 OF 2017
(Arising out of SLP (C) No. 5809 of 2013)

IASE UNIVERSITY

... Appellant

VERSUS

STATE OF HARYANA & ORS

... Respondents

WITH

CIVIL APPEAL NO. 9228 OF 2017
(Arising out of SLP (C) No. 5827 of 2013)

O R D E R

Leave granted.

Heard Mr. Himanshu Upadhyay, learned counsel appearing for the appellant and Mr. Samar Vijay Singh, learned counsel appearing for the State of Haryana.

It is submitted by learned counsel for the appellnat-University that a finding has been recorded by the High Court without impleading the University and it has been observed that there was no need to implead the University. On a perusal of the impugned order, we find that the nature of finding recorded affects the reputation of the University and further it is manifest that a finding had been returned that the University was a necessary party. It is well settled in

law that a party cannot be visited with an adverse order unless it is heard.

In view of the aforesaid, we allow the appeals, set aside the order dated 5.8.2011 passed in CWP No.14191 of 2011 and further set aside the order dated 14.12.2011 passed in R.A. No.455 of 2011 (O&M) in the writ petition and remand the matter to the High Court to decide it afresh. The appellant-University shall be impleaded as a party and be permitted to file its counter affidavit controverting/refuting the stand in the writ petition, if so advised The High Court is requested to dispose of the writ petition within six months hence. There shall be no order as to costs.

....., J.
(Dipak Misra)

....., J.
(A.M. Khanwilkar)

....., J.
(Mohan M. Shantanagoudar)

New Delhi;
July 14, 2017.

R E V I S E D

ITEM NO.5

COURT NO.2

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5809/2013

(Arising out of impugned final judgment and order dated 14-12-2011 in RA No. 455/2011 14-12-2011 in WP No. 14191/2011 passed by the High Court Of Punjab & Haryana At Chandigarh)

IASE UNIVERSITY

Petitioner(s)

VERSUS

STATE OF HARYANA AND ORS

Respondent(s)

WITH

SLP(C) No. 5827/2013 (IV-B)

Date : 14-07-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDARFor Petitioner(s) Mr. Himanshu Upadhyay, Adv.
Mr. Arvind Minocha, AOR

For Respondent(s) Mr. Satish Kumar, AOR

Mr. Monika Gusain, AOR
Mr. Gautam Sharma, Adv.
Mr. Samar Vijay, Adv.UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.
There shall be no order as to costs.(Gulshan Kumar Arora)
Court Master(H.S. Parasher)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
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VERSUS

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(Dipak Misra)

....., J.
(A.M. Khanwilkar)

....., J.
(Mohan M. Shantanagoudar)

New Delhi;
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UPON hearing the counsel the Court made the following
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(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)