

ITEM NO.20 Court 8 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).11960/2020

(Arising out of interim order dated 29-09-2020 in WPSB No. 281/2020 passed by the High Court Of Uttarakhand At Nainital)

SECRETARY, COMMITTEE OF MANAGEMENT,
B.S.M. (P.G.) COLLEGE

Petitioner(s)

VERSUS

DR. SAMRAT SHARMA & ORS.

Respondent(s)

(With applns for exemption from filing c/c of impugned judgment, exemption from filing O.T., application for exemption from filing original vakalatnama/other document)

WITH

SLP(C) No. 11966/2020 (X)

(With appls.for exemption from filing c/c of the impugned judgment, exemption from filing O.T., exemption from filing affidavit)

Date : 14-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Dr. Ajay Veer Pundir, Adv.
 Ms. Anu Gupta, AOR

For Respondent(s) Mr. Siddhartha Dave, Sr. Adv.

 Mr. Azim H. Laskar, Adv.

 Mr. Kripa Shankar Prasad, Adv.

 Mr. Chandra Bhushan Prasad, AOR

UPON hearing the counsel the Court made the following
O R D E R

These Special Leave Petitions are filed against an interim order passed by the High Court staying the operation of the order dated 17.08.2020 by which

respondents have been compulsorily retired under Rule 56 (C) of the Fundamental Rules. Learned counsel for the petitioner/Management submits that the High Court ought not to have stayed the operation of the order of compulsory retirement which would tantamount to allowing the writ petition.

Mr.Siddhartha Dave, learned Senior Counsel appearing for the respondent/caveator submitted that the High Court was right in passing the interim order as a *prima facie* case of lack of jurisdiction of the Management to pass an order of compulsorily retirement in exercise of power under Rule 56 (C) of the Fundamental Rules was made out.

We request the High Court to decide the writ petition expeditiously, not later than four weeks from today.

In the meanwhile, the respondent shall not press for implementation of the interim order dated 29.09.2020.

Needless to say, that we have not expressed any opinion on the merits of the matter.

The Special Leave Petitions and pending application(s), if any, shall stand disposed of accordingly.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master