

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). OF 2017
(Arising out of SLP(C) No. 31712 of 2017)

CHANCELLOR CHAUDHARY CHARAN SINGH UNIVERSITY Appellant(s)

VERSUS

DR. GARIMA SINGH & ORS. Respondent(s)

O R D E R

Issue notice.

Ms. Jaikriti S. Jadeja, appearing on caveat accepts notice on behalf of respondent no.1

Leave granted.

After hearing learned counsel for the parties, we are of the opinion that it was not necessary to file an application seeking condonation of delay before the Chancellor as observed by the High Court. Section 5 of the Limitation Act could not be said to be applicable. In exceptional circumstances, Chancellor could have entertained the petition, even beyond limitation as specifically provided in Section 68 of the Act. Reasons have been given by the Chancellor for condoning the period of limitation, thus the Chancellor was alive to the issue of limitation and has condoned the period of limitation; thus it was not proper for the High court to set aside the decision of the

Chancellor on that ground. Thus, the Impugned judgment and order of the High Court cannot be said to be sustainable and is hereby set aside.

We remit the case to the High court to examine the case on merits as the High Court had not considered on merits whether decision of the chancellor was sustainable.

The appeal is allowed. We remit the case to the High Court to decide the case on merits. The High Court is required to decide the writ petition as expeditiously as possible.

It is agreed to that status quo shall be observed for a period of six months during which the High Court to make an endeavor to decide the case.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
DECEMBER, 01 2017

ITEM NO.26

COURT NO.9

SECTION XI

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). 31712/2017

(Arising out of impugned final judgment and order dated 29-08-2017 in WA No. 39334/2017 passed by the High Court of Judicature At Allahabad)

CHANCELLOR CHAUDHARY CHARAN SINGH UNIVERSITY

Petitioner(s)

VERSUS

DR. GARIMA SINGH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.122789/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.122793/2017-EXEMPTION FROM FILING O.T.)

Date : 01-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Ms. Neeta Gokhale, Adv.
Mr. Alim Pradi, Adv.
Ms. Kamakshi S. Mehlwal, AOR

For Respondent(s) Dr. L.S. Choudhary, Adv.
Mr. Ajay Chaudhary, Adv.
Mr. Rakhi Tomar, Adv.
Mr. Anurag Tomar, Adv.
Mr. Vishesh Kumar, Adv.
Mr. Parambir Singh, Adv.
Mr. Viresh Chaudhary, Adv.
Mr. D.S. Choudhary, Adv.
Mr. Mrinendra Singh, Adv.
Mr. Jaikriti S. Jadeja, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any shall stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(JAGDISH CHANDER)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)