

ITEM NO.48

COURT NO.3

SECTION XI-A

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). 4463/2020

(Arising out of impugned final judgment and order dated 14-01-2020 in WPC No. 20048/2019 passed by the High Court Of Kerala At Ernakulam)

DILFA M.P &amp; ORS.

Petitioner(s)

VERSUS

MUSLIM EDUCATION SOCIETY KOZHIKODE &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

SLP(C) No. 4662-4678/2020 (XI-A)  
(FOR ADMISSION and I.R.)

Diary No(s). 6975/2020 (XI-A)  
(FOR ADMISSION and I.R. and IA No.35959/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.35958/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 06-03-2020 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MS. JUSTICE INDIRA BANERJEE

Counsel for the  
parties

Mr. V. Giri, Sr. Adv.  
Mr. Ramesh Babu M. R., Adv.  
Ms. Swati Setia, Adv.

Mr. Jaideep Gupta, Sr. Adv.  
Mr. G. Prakash, Adv.  
Mr. Jishnu M. L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Ms. Beena Prakash, Adv.

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Zulfiker Ali P. S., Adv.  
Mr. Faisal M. Aboobacker, Adv.  
Ms. Lakshmi Sree Puthenpurackal, Adv.  
Mr. Haris Beeran, Adv.  
Mr. Mushtaq Salim, Adv.  
Mr. Usman Ghani Khan, Adv.  
Mr. Adhil Saifudheen, Adv.

Mr. Azhar Assees, Adv.  
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Ms. Anu K. Joy, Adv.  
Mr. Alim Anvar, Adv.  
Mr. Arvind Gupta, Adv.

Mr. G. Prakash, AOR

Mr. C. K. Sasi, Adv.  
Mr. Abdulla Naseeh V. T., Adv.  
Ms. Somya Gupta, Adv.

For Respondent(s) Mr. Arvind Gupta, AOR  
Mr. Zulfiker Ali P. S, AOR  
Mr. Radha Shyam Jena, AOR

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

Permission to file Special Leave Petition(s) is granted.

It has been submitted by Mr. V. Giri and Mr. Jaideep Gupta, learned senior counsel appearing for the petitioners that the interim order has been questioned on many fold grounds. The High Court has wrongly observed that order passed by the Admission and Fee Regulatory Committee is unsustainable and without hearing the case finally. Thereafter the High Court has asked for furnishing of informations/documents from the institutions. The exercise has been objected *inter alia* on the ground that the High Court has no jurisdiction to fix the fee. The High Court cannot collect the material which was not before the Admission and Fee Regulatory Committee and take a decision for the first time on that.

It was pointed out by Mr. Ranjit Kumar, learned senior counsel appearing for the respondents, that the matter has been remitted twice and that is why, the High Court has called for information to

be furnished.

We do not want to comment on the merits of the aforesaid rival submissions at this stage, but at the same time, we are compelled to observe that the findings recorded by the High Court in the impugned order shall not be treated as final, binding and conclusive as the High Court has to hear the matter and decide it finally. Before deciding the matter finally, the High Court has to take a call whether it can decide the fee and on various other submissions. All the questions are kept open, to be examined by the High Court. The High Court shall not be influenced by the impugned order in any manner whatsoever while deciding the case finally in accordance with law by a reasoned order.

With the above observations, the Special Leave Petitions are disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
BRANCH OFFICER