

S-48

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3178/2022 & CM APPL. 9246/2022 (Interim Direction), CM
APPL. 9247/2022 (Exemption)
VANANCHAL EDUCATIONAL AND
WELFARE TRUST** Petitioner

Through **Mr. Shivam Singh and Mr. Rohit
Kumar Singh, Advs.**

versus

UNION OF INDIA AND ORS Respondents
Through **None**

**CORAM:
HON'BLE MS. JUSTICE REKHA PALLI**

ORDER

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21.02.2022

CM APPL. 9247/2022 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 3178/2022 & CM APPL. 9246/2022 (Interim Direction),

3. The petitioner has approached this Court assailing the decision taken by respondent no.3 on 31.01.2022 rejecting its first appeal assailing the order of denial dated 24.11.2021. The petitioner's appeal has been rejected on the ground that the material provided by the petitioner after the virtual hearing held on 08.11.2021 cannot now be considered.
4. Learned counsel for the petitioner submits that the said finding ignores the various decisions passed by this court, wherein this Court

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Hearing Date: 21.02.2022
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Shivam Singh
D. Singh, C. & R. H.
Farahiya, Garhwa, J.H.
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has consistently held that in a case of an already recognised institute, the material provided even at the appellate stage ought to be considered.

5. He submits that being aggrieved by the order dated 24.11.2021 and 31.01.2022, though the petitioner has already filed its second appeal on 10.02.2022 which is pending adjudication before respondent no.1, the same is yet to be decided. However, grave prejudice will be caused to the petitioner if it is not permitted to participate in the ongoing counselling for admission in BHMS course, during the pendency of its appeal.
6. Upon the petitioner taking steps, issue notice to the respondents through all permissible modes, returnable on the next date.
7. A perusal of the impugned order dated 31.01.2022 prima facie shows that at the time of hearing of its first appeal, the petitioner appears to have cured the deficiencies pointed out in the denial order, but the same have not taken into consideration by the respondents while passing the impugned order dated 31.01.2022. The petitioner's second appeal is still pending consideration and, therefore, grave prejudice will be caused to the petitioner which is an institution running for the last more than 11 years, in case, it is not permitted to participate in the ongoing counselling during the pendency of its appeal.
8. Accordingly while granting four weeks time to the respondents to file counter affidavit and two weeks to the petitioner to file rejoinder thereto, it is directed that till the next date, the petitioner will be permitted to participate in the ongoing counselling. The same would, however, be subject to the outcome of the present writ petition. The

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petitioner will display a notice on its website informing the general public that its participation in the ongoing counselling will be subject to the outcome of the present petition.

9. Needless to state that this permission will not create any special equities in favour of the petitioner.

10. List on 30.03.2022.

REKHA PALLI, J

FEBRUARY 21, 2022

ms


Principal
D. M. H. M. C. & R. H.
Farathiya, Garhwa, JH.
822114

Signature valid

Signed By: GADHAR MADAN
Location:
Signing Date: 20.02.2022
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