

Court No. - 3

Case :- WRIT - C No. - 899 of 2022

Petitioner :- C/M Babu Pandit Shiv Bhushan Sharma Mahavidyalaya
Rbl.Thru. Manager Dal Bhadhur Singh And Ors.

Respondent :- State Of U.P. Thru. Addl. Chief Secy. / Prin. Secy. Higher
Education Lko And Others

Counsel for Petitioner :- Ashish Chaturvedi, Sr. Advocate

Counsel for Respondent :- C.S.C., Savitra Vardhan Singh

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Narendra Kumar Johari, J.

Heard Sri Asit Chaturvedi, learned Senior Counsel assisted by Sri Ashish chaturvedi, learned counsel for the petitioner and learned Standing Counsel for the State. Sri Anurag Kumar Singh, learned counsel, has put in appearance on behalf of the University. The Vakalatnama filed by him is taken on record.

There are 715 degree colleges associated to the University of Lucknow. The Management Committees of 16 colleges have come up before this Court in the present writ petition assailing the Office Memorandum dated 31.8.2021, 27.6.2018, 25.5.2015 and similar other office memorandums related to examination and enrollment fee prescribed for faculty of Arts, Science, Law, Commerce, Fine Arts and Education insofar as the self-finance courses recognised by the University of Lucknow are concerned.

The submission put forth in nutshell is to the effect that the prescription of examination and enrollment fee is necessarily to be made by promulgation of ordinances with the approval of the State Government which in the

present case has not been obtained by the University of Lucknow.

Sri Anurag Kumar Singh, learned counsel appearing for the University has argued that firstly the *locus standi* of the Management Committees of 16 colleges out of 715 is questionable for the reason that the aggrieved parties, namely, students are not before the Court; it is rather the Management Committees of a few institutions who have come up to agitate a grievance in respect of an issue relating to which they do not have a legal injury.

It is secondly pointed out that all the other colleges, 699 in number, have not raised any dispute with respect to any such issue and have deposited the fee, as such, double standards cannot be adopted by the University in respect of the colleges associated to the University.

It is clear from the averments made in the writ petition that the affected students are from those colleges who have been associated with the University since the academic session 2021-2022 and who shall continue to receive education in the respective colleges at least for next two years.

In the circumstances of the case, it is provided that the fee charged by the University in terms of the impugned office memorandum dated 31.8.2021, as contained in Annexure-1 to the writ petition, shall abide by the outcome of this writ petition.

Let counter affidavit be filed within a period of two weeks, to which rejoinder affidavit, if any, may be filed within one week thereafter.

List this case for hearing peremptorily.

Learned counsel for the petitioner is at liberty to make a mention of the case being taken up when the same is listed next.

Order Date :- 21.2.2022

Fahim/-