WP(C)No. 216 of 2012

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

15.04.2015

Mr SS Dey, learned senior counsel, assisted by Mr VGK Kynta, learned senior counsel, appears for the petitioner.

Mr SC Shyam, learned senior counsel, represents the respondents.

We have heard learned counsel for parties.

Learned senior counsel Mr SC Shyam, appearing for University Grant Commission prays for time on the ground that he was indisposed and was thus not in a position to prepare the case. However, learned senior counsel for the petitioner, Mr SS Dey, states that the framing of UGC (ESTABLISHMENT AND MAINTENANCE OF STANDARDS IN PRIVATE UNIVERSITIES) Regulations, 2003 by the University Grant Commission under Section 26 of the UGC Act prescribing maintenance of Educational Standards in Private Universities is beyond the pale of its competence. He also submits that the petitioner University is yet to know as to in what respects it has failed to meet the standard as required in terms of Regulations, 2003 so as to prompt the UGC to issue public notice on its web site alleging violation of the said Regulations by the petitioner University and issuing notification containing names of 112 universities including the petitioner as violators of Regulations. Such an exercise on the part of UGC seems to be offending in nature. In view of the aforesaid submissions, we adjourn the matter for two weeks with direction to the University Grant Commission to send a team of Officers for inspecting the campus in question. The UGC shall submit report, on maintenance of educational standards in the campus in question, directly to the Court before the next date of hearing through some responsible Officer. List this matter on 06.05.2015. A copy of this order be issued today to learned counsel for parties for their compliance.

JUDGE CHIEF JUSTICE

dev

Crl Appeal No. 4 of 2013

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

15.04.2015

Mr R Kar, learned counsel, appears for the appellant.

Mr S Sen Gupta, learned GA, represents the respondents.

On a request made on behalf of State with the consent of learned counsel for appellant, the matter is adjourned for two weeks. List thereafter on 29.04.2015.

JUDGE CHIEF JUSTICE

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WP(C)No. 126 of 2014
WP(C)No. 127 of 2014
WP(C)No. 130 of 2014
WP(C)No. 131 of 2014
WP(C)No. 132 of 2014
WP(C)No. 134 of 2014
WP(C)No. 135 of 2014
WP(C)No. 136 of 2014

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

15.04.2015

Mr VK Jindal, learned senior counsel, assisted by Ms QB Lamare, learned counsel, appears for the petitioner.

Mr R Deb Nath, learned CGC, represents the respondents.

We have heard learned counsel for parties and perused the last order and pleadings of writ petitions.

Learned counsel for the respondents Union of India states that none of the judgments passed by different High Courts which were relied upon by learned counsel for parties on the last date of hearing is impugned in any petition before Hon'ble the Apex Court. However, he also states that the judgment rendered by learned single Judge of Kerala High Court in ***Global Industries vs. Union of India, reported in 2011 (263) ELT 517 (Ker)*** has been challenged in appeal before the Division Bench.

Learned senior counsel for the appellant Mr VK Jindal informed that the notifications under challenge which were also impugned in petitions decided by different High Courts as mentioned hereinabove have now lost their relevance for the fact that the submissions made before the Customs authority contending that these notifications would not apply in the case of barter system of trading between Union of Myanmar and Union of India have been accepted. Therefore, the decisions on this point given by High Courts under reference

may not require any consideration by this Division Bench. But that nevertheless, since the notifications are under challenge and the writ petitions have not been amended, we cannot ignore the points raised as to legality of these notifications. In that view of the matter, learned counsel for parties pray for and are granted further two weeks' time to file their respective affidavits setting out in detail the present status of judgments under citation and the latest development after decision by the Customs Authorities while saying that notifications in question would not apply in the case of barter system of trading between two countries.

List on 06.05.2015.

JUDGE CHIEF JUSTICE

dev

WP(C)No. 216 of 2012

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

15.04.2015

Mr SS Dey, learned senior counsel, assisted by Mr VGK Kynta, learned senior counsel, appears for the petitioner.

Mr SC Shyam, learned senior counsel, represents the respondents.

We have heard learned counsel for parties.

Learned senior counsel Mr SC Shyam, appearing for University Grant Commission prays for time on the ground that he was indisposed and was thus not in a position to prepare the case. However, learned senior counsel for the petitioner, Mr SS Dey, states that the framing of UGC (ESTABLISHMENT AND MAINTENANCE OF STANDARDS IN PRIVATE UNIVERSITIES) Regulations, 2003 by the University Grant Commission under Section 26 of the UGC Act prescribing maintenance of Educational Standards in Private Universities is beyond the pale of its competence. He also submits that the petitioner University is yet to know as to in what respects it has failed to meet the standard as required in terms of Regulations, 2003 so as to prompt the UGC to issue public notice on its web site alleging violation of the said Regulations by the petitioner University and issuing notification containing names of 112 universities including the petitioner as violators of Regulations. Such an exercise on the part of UGC seems to be offending in nature. In view of the aforesaid submissions, we adjourn the matter for two weeks with direction to the University Grant Commission to send a team of Officers for inspecting the campus in question. The UGC shall submit report, on maintenance of educational standards in the campus in question, directly to the Court before the next date of hearing through some responsible Officer. List this matter on 06.05.2015. A copy of this order be issued today to learned counsel for parties for their compliance.

JUDGE CHIEF JUSTICE

dev

MC(WA). No. 96 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Mr. P.Nongbri, learned Advocate, appears for the applicant/appellant.

Ms. N.G.Shylla, learned GA, represents the State respondents.

Mr. P.Nongbri, learned counsel, states that he has received instructions that the parties are negotiating out of court settlement. Thus, he prays for and is granted 10(ten) days' time.

List on 27-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

PIL. No. 3 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Mr. P. Rai, learned Advocate, and Mr. N.Syngkon, learned Advocate, appear for the petitioner.

Mr. KS Kynjing, learned AG, and Mr. N.D.Chullai, learned Sr. GA, assisted by Mr. S. Sen Gupta, learned GA, represent the State respondents.

Mr. LS Darnei, learned Advocate, has put in appearance for respondent No.4.

Mr. HS Thangkhiew, learned Sr. Advocate, assisted by Mr. N. Mozika, learned Advocate, registers his appearance for respondent No.5.

Mr. VGK Kynta, learned Sr. Advocate, is for respondent Nos. 6, 7, 8, 10,11 and 12 and, Mr. M. Sharma, learned Advocate, stands for respondent No.9.

Mr. Pradip. Rai, learned counsel amicus curiae, states that he needs some more time to prepare the case and file compilation of case laws in support of his arguments. He also states that he would be available on any date after 27th April, 2015. Mr. V.G.K.Kynta, learned Sr. counsel, submits that if the matter is posted on 12-05-2015, it would be convenient for both to remain present. In terms of the request, let this matter be listed on 12-05-2015.

JUDGE **CHIEF JUSTICE**

S.Rynjah

WA. No. 4 of 2013

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

No one appears for the appellant.

Mr. L.Khyriem, learned Advocate, represents the respondent.

Mr. S.Thapa, learned counsel, states that Ms. B.Goyal, learned counsel, engaged to argue the matter comes from Guwahati and she is in personal difficulty today. Thus, he prays for adjournment on that ground. There is no objection from other side.

List the matter after one week on 22-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

MC(WA) No. 30 of 2015
in WA. No. 34 of 2013

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Mr. Pradeep Rai, learned counsel, appears for the applicant, Mr.K.S.Kynjing.

Mr. N.D.Chullai, learned Sr. GA, assisted by Mr. R.Gurung, learned GA, represents the State.

Dr. O.D.V.Ladia, learned Sr. Advocate, assisted by Mr. P.Yobin, learned Advocate, represents the appellant-MECOFED.

Mr. A. Khan, learned Advocate, is for the respondent.

Mr. K.S.Kynjing, learned AG, filed MC(WA) No. 30/2015, and subsequent thereto also submitted an application in the Court whereby instead of explaining the position, he has tendered unconditional apology in the matter and undertaken full responsibility as Advocate General of the State. He has also given assurance that no matter will go unattended and will be available for full assistance to the best of his ability in future. Thus, without going into explanation and further delving into the matter, we accept the unconditional apology for the reasons that Mr. K.S.Kynjing, learned AG, has realized the mistake and has owned full responsibility for commissions and omissions, if any. After our last order dated 23-03-2015, he is very regular in appearance and tries to assist the Court to the best of his ability. He seems to be very disturbed on the news that because of our order dated 23-03-2015, he may be removed from his office and looks to be almost in tears. Thus, we make it clear that it was not the intention of the order that Mr. K.S.Kynjing should be removed from office or he should suffer any prejudice to the future prospect of his career. It is enough that he has realized the mistake and tendered unconditional apology while owning complete responsibility as Advocate

General for non-appearance on behalf of the State. Thus, we reiterate that this order shall not be construed to form the ground of removal of Mr. K.S.Kynjing from his office. It is the complete discretion of the State Government to have the Advocate General of its choice and if the State Government has confidence in Mr. K.S.Kynjing, he is to continue irrespective of adverse effect of the order, if any.

As the order dated 23-03-2015 and the instant one are not related to the merits of this case but contain the observations made by this Court, on a request made on behalf of Mr. K.S.Kynjing by learned counsel, Mr. Pradeep Rai, and further that we have accepted his unconditional apology, the observations made in the order which, according to Mr. Rai, are supposedly being construed as adverse against Mr. Kynjing are recalled. The Registry is directed to register and number the Misc. Case submitted in Court and place on record the same in order as per procedure followed for maintenance of records. Now, the order uploaded and screened on the website for 23-03-2015 after recall of observations shall only read as:

"Mr. P. Yobin, learned counsel, appears for the appellants.

Mr A. Khan, learned counsel, represents respondents No. 1 to 95.

No one appears for the State.

List the matter on 15-04-2015."

MC(WA) No. 30/2015 filed in Registry and Misc. application MC(WA) No. Nil/2015 submitted in Court are hereby disposed of.

List the main matter on 23-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

WA. No. 37 of 2013

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Dr. O.D.V.Ladia, learned Sr. Advocate, assisted by Mr. P.Yobin, learned Advocate, appears for the appellant.

Mr. S.Dey, learned Advocate, represents respondent Nos. 1 to 3.

Learned counsel for the appellant prays for and is granted one week's time to argue the matter. List on 23-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

WA. No. 55 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Mr. R.Gurung, learned AG, appears for the appellants.

Ms. A.P. Kharsahnoh, learned Advocate, represents the respondent.

Superintendent of Police, Shillong is granted as last opportunity further 2(two) weeks' time to file affidavit in terms of the last order. List on 22-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

WA. No. 69 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Mr. S. Ch.Keyal, learned Asstt. SG, and Mr. R.Deb Nath, learned CGC, appears for the appellant-Union of India.

Learned counsel for the appellant states that as per latest instruction, the matter is still pending before Appointment Committee of Cabinet at an advanced stage. Thus, he prays for and is granted 4(four) weeks' time.

List on 14-05-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

WA. No. 74 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Dr. ODV Ladia, learned Sr. Advocate, assisted by Mr. P.Yobin, learned Advocate, appears for the appellants.

Mr. B.Bhattacharjee, learned Advocate, represents the respondent.

List the matter along with other connected matters on 22-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

WA. No. 76 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Dr. ODV Ladia, learned Sr. Advocate, assisted by Mr. P.Yobin, learned Advocate, appears for the appellants.

Mr. B.Bhattacharjee, learned Advocate, represents the respondent.

List the matter along with other connected matters on 22-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

WP(C). No. 68 of 2012

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Ms. S.G.Momin, learned Advocate, appears for the petitioner.

Mr. R.Kharsyad, learned Advocate, appears for the private respondent.

With the consent of learned counsel for the petitioner, Mr. R. Kharsyad, learned counsel, makes a mention on behalf of Mr. G.S.Massar, for adjournment on the ground that the latter is in personal difficulty and has also applied for sanctioned leave.

List the matter after 2(two) weeks on 30-04-2015.

JUDGE CHIEF JUSTICE

S.Rynjah

WP(C) No. 71 of 2015

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE
THE HON'BLE MR JUSTICE S.R.SEN

15-04-2015

Dr. B.P.Todi, learned Addl. AG, assisted by Mr. K.P.Bhattacharjee, learned GA, appears for the petitioners.

Ms. M.Deb, learned Advocate, represents respondent No.1.

Issue notice to respondent Nos. 2 and 3. It be made returnable within a period of 2(two) weeks. Dasti as well.

List on 24-04-2015.

JUDGE **CHIEF JUSTICE**

S.Rynjah