

SECTION XI
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

LISTED ON: 21.10.2016
COURT NO.: 10
ITEM NO.: 46

**PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NO. 26543 OF 2015 AND
26635 OF 2015**

WITH PRAYER FOR INTERIM RELIEF
AND

INTERLOCUTORY APPLICATION NO. 3

(Application for exemption from filing official translation in both SLPs)
AND

INTERLOCUTORY APPLICATION NO.4

(Application for impleadment as party respondent filed by Mr. Shail Kumar
Dwivedi, Advocate in SLP(C) No. 26635 of 2015)

DR. D.C. SRIVASTAVA ETC.

....PETITIONER

VERSUS

STATE OF U.P. & ORS.

...RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 24.09.2015, when the Court was pleased to pass the following order:

“At the oral request of the learned counsel for the petitioners, Shahuji Maharaj Medical University, Lucknow is ordered to be impleaded as party-respondent in the array of parties, in both the petitions. Liberty to file amended memo of parties, within one week from today.

Learned counsel for the petitioners states, that the petitioners will not claim seniority, if the petitioners are treated as absorbed in the Medical College with effect from the date of their absorption. It is sought to be clarified, that the date of their absorption be accepted as 29.01.2009.

Issue notice.

Mr. T.N. Singh, Advocate accepts notice on behalf of the respondents - Moti Lal Nehru Medical College Teachers Association, Allahabad and Dr. Dileep Chaurasiya, in both the petitions.

Let notice issue to the remaining respondents, returnable in four weeks.

Status quo, as it exists today, shall be maintained, in the meantime.”

SLP (C) No. 26543/2015:

It is submitted that there are 12 Respondents in the matter including Respondent No. 12 impleaded as party respondent vide order of this Hon'ble Court dated 24.09.2015. Show Cause Notice to Respondent Nos. 1 to 9 and 12 by registered A.D. Post and Show Cause Notice to Respondent Nos. 10 and 11 through

Advocate was issued on 17.10.2015. Respondent Nos. 1 to 3 are represented through Mr. Abhish Kumar, Advocate and he has on 18.10.2016 filed Counter Affidavit on their behalf with the permission of the Hon'ble Court. Copy of the same is being circulated to the Hon'ble Court. Respondent No. 6 is represented through Mr. Shail Kumar Dwivedi, Advocate but he has not filed Counter Affidavit so far. Respondent Nos. 10 and 11 are represented through Mr. T.N. Singh, Advocate and he has filed Counter Affidavit on their behalf alongwith an application for exemption from filing official translation (I.A.No.3). Copy of the same has been included in the paper books. Respondent Nos. 4 and 9 have been served by registered A.D. Post but no one has entered appearance on their behalf so far.

It is further submitted that Counsel for the Petitioner has filed affidavit of dasti service with proof of service stating therein that notice served upon Respondent Nos. 5, 7, 8 & 12. But no one has entered appearance on their behalf so far.

Service of show cause notice is complete.

SLP (C) No. 26635/2015:

It is submitted that there are 11 Respondents including Respondent No. 11 impleaded as respondent vide this Hon'ble Court's order dated 24.09.2015. Show Cause Notice to Respondent Nos. 1 to 8 and 11 was issued by registered A.D. Post and show cause notice to Respondent Nos. 9 and 10 was issued through Advocate on 16.10.2015. Respondent Nos. 1 to 3 are represented through Mr. Abhish Kumar, Advocate and he has on 18.10.2016 filed Counter Affidavit on their behalf with the permission of Hon'ble Court. Copy of the same is being circulated to the Hon'ble Court. Respondent No. 7 is represented through Mr. Kedar Nath Tripathy, Advocate but he has not filed Counter Affidavit so far. Respondent Nos. 9 and 10 are represented through Mr. T. N. Singh, Advocate. He has on 16.11.2015 filed Counter Affidavit on their behalf alongwith an application for exemption from filing official translation (I.A.No. 3). Copy of the same have been included in the paper books.

It is further submitted that Counsel for the Petitioner has filed affidavit of dasti service stating therein that notice served upon Respondent Nos. 4, 5, 6 and 11 but Respondent No. 8 refused to accept the notice whereas A.D. Card duly signed

has been received back in respect of Respondent No. 8 but no one has entered appearance on their behalf so far.

It is further submitted that Mr. Shail Kumar Dwivedi, Advocate for the Petitioners has on 23.08.2016 filed an application for impleadment of Allahabad University through its Registrar as party-respondent. The said application was defective and the counsel has cured the defects only on 20.10.2016. The application has been registered as I.A. No. 4 and copy of the same is being circulated to the Hon'ble Court.

Service of Show Cause Notice is complete.

The matters alongwith applications above mentioned are listed before the Hon'ble Court with this report.

Dated this the 20th day of October, 2016.

ASSISTANT REGISTRAR

Copy to:

Mr. Gautam Awasthi, Advocate.

Mr. T.N Singh, Advocate

Mr. Abhish Kumar Advocate.

Mr. Shail Kumar Dwivedi, Advocate.

Mr. Kedar Nath Tripathy, Advocate

ASSISTANT REGISTRAR