

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 887 OF 2009

UNIVERSITY OF KERALA

Appellant(s)

VERSUS

THE COUNCIL OF PRINCIPALS' OF COLLEGES  
IN KERALA (PRINCIPALS' COUNCIL) & ORS

Respondent(s)

WITH

SLP(C) No. 24296-24299/2004

SLP(C) No. 14356/2005

W.P. (C) No. 429/2009

SLP(C) No. 16908/2015

O R D E R

Civil Appeal No. 887 of 2009  
SLP(C) Nos. 24296-24299 of 2004

None appears for the appellant/petitioner.

Civil Appeal No. 887 of 2009 and SLP(C) Nos. 24296-24299 of 2004 are dismissed for non-prosecution.

SLP(C) No. 14356/2005

The issue laid before this Bench is based on the opinion expressed by a Division Bench of this Court in University of Kerala Vs. Council, Principals' Colleges, Kerala and Ors. 2009(15) SCR 800 which pertains to the elections of Students Unions of the Universities of the various States of the country.

Though, by the Order dated 11.11.2009, the said Bench had directed that the matter be placed before the Chief Justice of

India for constituting, preferably a Constitution Bench, the same has been referred to this Bench.

We have heard Mr. Sushil Balwada, learned counsel for the petitioner and Ms. Lalita Kohli, learned counsel for the respondents.

It is submitted on behalf of the parties that acting on the recommendations of the Lyngdoh Commission, as accepted by the Division Bench of this Court by its Order dated 22.9.2006 as referred to in Univeristy of Kerala(Supra), elections of the students' unions are being held since thereafter in accordance therewith. When the instant matter was called on for hearing today, it was submitted on behalf of the parties that as elections are presently being held in terms of the Order dated 22.9.2006, founded on the Lyngdoh Committee's recommendations, no live issue survives for the scrutiny of this Court.

In this view of the matter, we feel it expedient to leave the issue at that for the present, to be examined in future in an appropriate case, if the occassion so arises.

The petition stands closed in these terms.

WP(C) No. 429/2009  
SLP(C) No. 16908/2015

These matters have also been laid before this Bench, being included in the batch of petitions in terms of the opinion

expressed by this Court in University of Kerala case (supra) and the orders of the Chief Justice in connection therewith.

At the outset, when this Bench sought to ascertain from the petitioner in person, claiming to represent the petitioner no. 1, National Students Front, as its President, as to whether the said Body is registered and further as to its current enrolled strength, etc, he could not furnish the information. In this view of the matter, having regard to the capacity in which the petitioner is before this Court, as well as the issues which seek determination, we are of the opinion that in the absence of the materials sought for by the Court, it is not possible to hold as a starting premise, that the petitioners have the required *locus standi* to maintain the challenge.

These petitions are thus dismissed on this ground.

.....J.  
(J. CHELAMESWAR)

.....J.  
(ABHAY MANOHAR SAPRE)

.....J.  
(AMITAVA ROY)

NEW DELHI  
FEBRUARY 01, 2016.

ITEM NO.302

COURT NO.5

SECTION XIA/XV/X/XIV

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

Civil Appeal No(s). 887/2009

UNIVERSITY OF KERALA

Appellant(s)

VERSUS

THE COUNCIL OF PRINCIPALS' OF COLLEGES  
IN KERALA (PRINCIPALS' COUNCIL) & ORS

Respondent(s)

(with office report)

WITH

SLP(C) No. 24296-24299/2004

(With Interim Relief and Office Report)

SLP(C) No. 14356/2005

(With exemption from filing O.T. and permission to file affidavit and Office Report)

W.P. (C) No. 429/2009

(With appln.(s) for directions and Office Report)

SLP(C) No. 16908/2015

(With Interim Relief and Office Report)

Date : 01/02/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s)

CA no. 887/2009 Mr. R. Sathish, Adv. (NP)

SLP(C) nos. 24296-99/  
2004

SLP(C) no. 14356/2005 Dr. Sushil Balwada, Adv.

Mr. Srilok Nath Rath, Adv.

Mr. Kulbir Singh Malik, Adv.

WP(C) no. 429/09 Petitioner-in-person

SLP(C) no. 16908/15

For Respondent(s) Ms. Lalita Kohli, Adv.  
 For M/s. Manoj Swarup & Co.

Mr. Anil Soni, Adv.  
 Mr. Gaurav Sharma, Adv.  
 Mr. Prateek Bhatia, Adv.  
 Mr. I. Mohan, Adv.  
 Ms. Vara Gaur, Adv.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.  
 Mr. Ashok Kumar Singh, Adv.  
 Mr. S. Vijayanand Sharma, Adv.  
 Ms. B. Khusbanshi, Adv.  
 Ms. Linthoingambi Thoinam, Adv.

UGC Mr. Manoj Ranjan Sinha, Adv.  
 Mr. Abhishek Kumar, Abhinav, Adv.

State of Jharkhand Mr. Anil K. Jha, Adv.  
 Mr. R.K. Ojha, Adv.

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 Mr. M.R. Philip, Adv.

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Mr. E. M. S. Anam, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Gopal Singh, Adv.

Mr. Lakshmi Raman Singh, Adv.

Mr. R. C. Kohli, Adv.

Mr. K. R. Sasiprabhu, Adv.

Mr. V. G. Pragasam, Adv.

Mrs. D. Bharathi Reddy, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. Himinder Lal, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

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Mr. Himanshu Shekhar, Adv.

Ms. Nitini Susan, Adv.

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Mr. T. Mahipal, Adv.

Mr. Amit Kumar, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. T. V. George, Adv.

Ms. T. Anamika, Adv.

Mr. Shail Kumar Dwivedi, Adv.

Mr. K. Rajeev, Adv.

Mr. G. Prakash, Adv.

Mr. T.G. Narayanan Nair, Adv.

Mr. M.K. Michael, Adv.

Mr. M.P. Vinod, Adv.

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

Civil Appeal No. 887 of 2009  
SLP(C) Nos. 24296-24299 of 2004

None appears for the appellant/petitioner.

Civil Appeal No. 887 of 2009 and SLP(C) Nos. 24296-24299 of  
2004 are dismissed for non-proseuction.

SLP(C) No. 14356/2005

The petition is closed.

WP(C) No. 429/2009  
SLP(C) No. 16908/2015

These petitions are dismissed.

(DEEPAK MANSUKHANI)  
COURT MASTER

(INDU BALA KAPUR)  
COURT MASTER

(Signed order is placed on the file)