

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3362 OF 2017
[@ SPECIAL LEAVE PETITION (C) No. 8227 OF 2014]

DR.SUSMITA BHATTACHARYA Appellant(s)

VERSUS

CHANCELLOR, D.D.U.GORAKHPUR UNIV. & ORS Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The short Judgment impugned herein reads as follows :-

"Heard learned counsel for the parties. By means of this writ petition the petitioner has prayed for quashing the order dated 02.07.2012 passed by the Chancellor, Deen Dayal Upadhyay Gorakhpur University - opposite party No. 1.

Submission of learned counsel for the petitioner is that case of the petitioner for promotion under Career Advancement Scheme was considered in pursuance of order dated 02.07.2012 passed by the Chancellor but the

promotion has been denied to the petitioner on certain grounds. He further submits that once direction was there by the Chancellor the matter ought to have been considered by the opposite parties in the light of the decision of the UGC and they could not have rejected the claim of the petitioner for promotion.

Since the petitioner's claim for promotion under Career Advancement Scheme has been rejected by the University, the petitioner has appropriate remedy under Section 68 of the U.P. State Universities Act for challenging the said decision.

We decline to interfere in this matter on the ground of availability of appropriate alternative remedy. Accordingly, the writ petition is dismissed."

3. We are informed that the alternative remedy suggested by the High Court is to put the case before the Chancellor only. Therefore, we set aside the order passed by the High Court and remand the writ petition to the High Court to dispose of the same on

merits, expeditiously and preferably before the Court closes for summer vacation.

4. In view of the above, the appeal is disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
February 27, 2017.

ITEM NO.43

COURT NO.6

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 8227/2014

(Arising out of impugned final judgment and order dated 10/01/2014 in WP No. 1212/2012 passed by the High Court Of Judicature at Allahabad, Lucknow Bench)

DR.SUSMITA BHATTACHARYA

Petitioner(s)

VERSUS

CHANCELLOR, D.D.U.GORAKHPUR UNIV. & ORS

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief and office report)

Date : 27/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Kamini Jaiswal, Adv.
Mr. Rohit Tripathi, Adv.
Ms. Rani Mishra, Adv.
Mr. Jatinderpal Singh, Adv.

For Respondent(s) Mr. Ravinder Agarwal, Adv.
Mr. Shailendra Sharma, Adv.

Mr. Brijesh Kumar Shukla, Adv.
Mr. Alok Shukla, Adv.
Mr. Arvind Kumar Shukla, Adv.
Mr. Amit Shukla, Adv.

Mr. Rajeev, Adv.
Mr. Kamalendra Mishra, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment

Pending interlocutory applications, if any, stand disposed
of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)