

Sarvesh Narain Mishra

Vs

Vice-Chancellor, Aligarh Muslim University, Aligarh

Peerzada Ahmad Salamat Khan

Vs

Vice-Chancellor, Aligarh Muslim University, Aligarh

Abbas Zamir

Vs

Vice-Chancellor, Aligarh Muslim University, Aligarh and Others

And

Hafiz M. Ilyas and Others

Vs

Vice-Chancellor, Aligarh Muslim University, Aligarh

Civil Appeals Nos. 228 & 229 of 1982 and Writ Petitions Nos. 8142 of 1981 & 778-785 of 1982

(CJI Y. V. Chandrachud, O. Chinnappa Reddy, A. N. Sen JJ)

21.01.1982

ORDER

1. The learned Attorney-General appearing on behalf of the Vice-Chancellor, Aligarh Muslim University, Aligarh says that the University has no objection to allowing the following eight students to take their examination for the final year as ex-students. The examination is due to be held in the normal course in about June 1982.

1. Irfanuallah Khan
2. Abbas Zameer
3. Mohd. Azam Khan
4. Mahbood Ahmad
5. Laiq Ali
6. Mohd. Furgan

7. Manzar Alam Siddiqui

8. Mujeebullah Khan

The examination will be held for these eight students outside the University campus at a convenient location near about Aligarh. The University agrees to provide the necessary facilities in order to enable the students to appear for the examination.

2. Shri Shanti Bhushan who appears on behalf of A.Z. Amani and Hafiz M. Ilyas, has given to this Court an undertaking on their behalf that they will not organise or participate in any kind of agitational activity, inside or outside the University campus. On this undertaking, the learned Attorney-General agrees on behalf of the University that these two students will be permitted to avail themselves of the necessary facilities at the campus, including the use of the library and the laboratory, until the end of December 1982. We are informed that A.Z. Amani is in receipt of a scholarship from the Government of India. If that be so, we hope that the Government will continue the scholarship for the remaining period in order to enable him to complete his Ph.D. thesis.

3. Insofar as the other students who are involved in these proceedings are concerned, namely, S. Ahmad Ali, Imtiaz Ahmad, M.A.A. Fatur and Mansoor Ahmed, the learned Attorney-General agrees that they will be permitted to take the examinations for which they are due to appear. The Attorney-General has assured us that on the conclusion of their examination, the aforesaid students will be given transfer certificates in order to enable them to obtain admission to any other University. They shall have no right and will not be allowed to continue their studies in the Aligarh Muslim University.

4. As regards Sarvesh Narain Mishra and Peerzada Salamat Khan, they will be permitted to appear for the Fourth Year Engineering Examination as also for the examinations for the previous semesters of the first three years. In the respect of these two students, we will give further directions, if necessary, in case they pass the Fourth Year Examination and the examinations for the earlier semesters, by September 1982.

5. The following students, namely, A.Z. Amani, Hafiz M. Ilyas, S Ahmad Ali, Imtiaz Ahmad, Sarvesh Narain Mishra, Peerzada Salamat Khan, M.A.A. Fatur and Mansoor Ahmad, will take the examinations as aforesaid in a place appointed for that purpose by the University, which as far as possible, will be in the vicinity of the University campus but not in the campus itself.

6. The writ petitions and special leave petitions will stand disposed of in accordance with this Order except that Sarvesh Narain Mishra and Peerzada Salamat Khan may, if necessary, approach this Court after the result of the Fourth Year Examination and of the previous semester examinations is declared.

7. All the 16 students shall leave the University campus forthwith and shall have no access to it except to the extent indicated in this Order.

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