

SECTION PIL (WRIT)

MATTER FOR : 28.03.2022

COURT NO. : 06

ITEM NO. : 39

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 836 OF 2020

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NOS. 75822 & 75848 of 2021

(Applications for Impleadment and Directions)

Ashwini Kumar Upadhyay

...Petitioner

Versus

Union of India & Ors

....Respondents

OFFICE REPORT

It is submitted that the Writ Petition alongwith applications above-mentioned was listed before the Hon'ble Court on 31.01.2022, with office report dated 29.01.2022 when the Hon'ble Court was pleased to inter-alia, pass the following Order:

XXXX XXXX XXXX XXXX

An adjournment letter has been circulated by learned counsel for the respondents which has been objected to by the petitioner.

We may note that the respondents entered appearance on 12.10.2020 and took time to file counter affidavit. Thereafter counter affidavit has not been filed despite repeated opportunities. On 07.1.2022, last opportunity was granted to the respondent to file counter affidavit within four weeks.

We grant one further opportunity of four weeks to learned counsel for the respondents to file the counter affidavit subject to deposit of costs of Rs.7,500/- with Supreme Court Bar Association Advocates Welfare Fund as requested by the learned senior counsel for the petitioner.

Rejoinder, if any, be filed within two weeks thereafter.

List on 28th March, 2022.

XXXX XXXX XXXX XXXX”

It is submitted that Copy of this Hon'ble Court's order dated 31.01.2022 was sent to all the three respondents and Counsel for the Respondent No. 3 through e-mail on 07.02.2022.

It is further submitted that Counsel for Respondent No. 3/Ministry of Minority Affairs has neither filed Counter affidavit nor submitted proof of deposit of the Cost of Rs 7500/- with the Supreme Court Bar Association Advocates Welfare Fund, till date. Hence, no Rejoinder Affidavit.

It is further submitted that Union of India, Ministry of Home Affairs through its Secretary is Respondent No. 1 in the Writ Petition. No one has filed Vakalatnama/appearance on behalf of the said Respondent No. 1, however, an Office Memorandum F. No. 14018/02/2020-NI.I (Pt-I) dated 09.10.2020 from Mr. Rajendra Kumar Bharti, Under Secretary, Ministry of Home Affairs (IS-I Division : NI.I Section) has been received stating therein that the subject matter of the above petition is related to the National Commission for Minority Educational Institutions Act, 2004 and the National Commission for Minorities Act, 1992, which comes under the purview of the Ministry of Education (erstwhile MHRD) and Ministry of Minority Affairs respectively. As MHA (respondent no. 1) has no role to play in the matter, it is requested that Ministry of Minority Affairs (respondent no. 3) may deal with the matter in consultation with Ministry of Education and Ministry of Law and Justice (respondent no. 2) and also protect the interest of MHA in the Writ Petition.

(A copy of said Office Memorandum is enclosed alongwith Office Report for kind perusal of the Hon'ble Court).

The Writ Petition alongwith applications above mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 25th day of March, 2022.

Sd/-
Assistant Registrar