

Court No. - 33

Case :- WRIT - C No. - 10433 of 2018

Petitioner :- Saurabh Nigam And 9 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Sunil Kumar Upadhyay

Counsel for Respondent :- C.S.C., Vivek Verma

Hon'ble Manoj Misra, J.

On 21.03.2018, the following order was passed:-

"Put up this matter day after tomorrow i.e. 23rd March, 2018 as fresh with report of the Stamp Reporter whether the matter relating to admission in medical college is cognizable by Single Judge Bench or a Division Bench; and whether this matter would be cognizable by Division Bench as transfer from one medical college to another is sought. If it is found that the matter is cognizable by Division Bench, then it be placed before appropriate Division Bench as a fresh case."

Pursuant to the above order, the office of the Stamp Reporter has submitted a report that as per the order of the Hon'ble the then Acting Chief Justice dated 17.08.2012 the matter relating to admission in medical college is cognizable by a Division Bench but since the present petition relates to transfer of the petitioner from one institution to another institution, it would be cognizable by a Single Judge.

When a person is admitted in an institution upon transfer from another institution, the said person gets admission in the institution to which he has been transferred and therefore the report of the Stamp Reporter that transfer from one institution to another institution would be cognizable by Single Judge is not acceptable.

The matter would therefore be treated as cognizable by a Division Bench and shall be put up before the appropriate Division Bench, as fresh, if possible day after tomorrow.

Order Date :- 27.3.2018

AKShukla/-