

Court No. - 8

Case :- WRIT - C No. - 9080 of 2024

Petitioner :- Anjali

Respondent :- State Of U.P. Thru. Addl. Chief /Prin. Secy., Medical Education Deptt. Lucknow And Others

Counsel for Petitioner :- Anand Mani Tripathi, Anurag Tripathi

Counsel for Respondent :- C.S.C., Syed Mohammad Haider Rizv

Hon'ble Jaspreet Singh, J.

1. Heard learned counsel for the petitioner. Notice on behalf of respondent Nos.1 to 3 has been accepted by the Office of Chief Standing Counsel. Shri Syed Mohd. Haider Rizvi, learned counsel has accepted notice on behalf of respondent No.4.

2. The petitioner by means of the instant petition assails the order dated 13.09.2024, whereby respondent No.3 has cancelled the certificate dated 12.08.2024. As a consequence, the status of the petitioner belonging to a minority community has been recalled and the admission granted to the petitioner by respondent No.4 has also been recalled.

3. The submission of learned counsel for the petitioner is that the petitioner as well as her parents, they are Buddhist by religion. As per the notification issued by the State Government dated 07.10.1994 Buddhist inter alia have also been declared minority in this State.

4. The certificate dated 12.08.2024 was issued by respondent No.3 and on the said basis the petitioner was granted admission. Later by means of the impugned order dated 13.09.2024 by citing the provisions of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 specifically restoring to the Sections 8 and 9, the respondent No.3 has recalled the certificate dated 12.08.2024 and the admission of the petitioner has been revoked.

5. The submission is that the parents of the petitioner as well as the petitioner herself was granted a certificate indicating that they profess and belong to the Buddhist religion. However, by incorrectly applying the provisions of Section 8 and 9 of the Act, 2021, which at best could only come into the play upon the promulgation of the said Act in the year 2021, whereas certificate granted to the petitioner and her parents relates to the year 2014 and 2019 respectively and in this view apparently there was no applicability of the Act, 2021 as the petitioner

could never be said to have converted for which she was required to comply with the provisions of the Act, 2021.

6. It is also urged that neither any opportunity was granted to the petitioner before recalling the said certificate and even otherwise the same has no applicability, thus the impugned order cancelling the certificate is bad in eyes of law.

7. The submission of learned counsel for the petitioner as far as the interim relief is concerned, it has been stated that she was undertaking her course with respondent No.4, but on the basis of the impugned order dated 13.09.2024 the admission of the petitioner has been cancelled. and it is going to adversely affect her academic future and career.

8. Shri Syed Mohd. Haider Rizvi, learned counsel appearing for respondent No.4 submits that as far as they are concerned, they are ready to abide by the orders passed by the Court and since their order of cancelling the admission is purely consequential to the order passed by respondent No.3, hence, they would adhere to the orders passed by the Court.

9. Matter requires consideration.

10. Issue notice to respondent Nos.5 and 7, returnable at an early date.

11. Steps be taken by 4th November, 2024.

12. Considering the aforesaid facts and circumstances, prima facie the passing of the impugned order is per se ex parte and invoking the provisions of the Act of 2021 appears to be doubtful, hence the operation of the impugned order dated 13.09.2024 shall remain stayed. Appropriate orders shall be passed by respondent No.4 taking note of the aforesaid on the admission/re-admission of the petitioner.

13. Shri Khare, learned Standing Counsel prays for and is granted three weeks' time to file counter affidavit with an advance copy to learned counsel for the petitioner, who if so choose, may file his response within 10 days thereafter.

14. List this matter in the week commencing 2nd December, 2024.

Order Date :- 24.10.2024/Ashutosh