

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 713 OF 2011
[ARISING OUT OF S.L.P. (CRL.) NO. 8741 OF 2010]**

**JAI NARAIN VYAS UNIV
JODHPUR TR. REGR.**

.. APPELLANT

VS.

STATE OF RAJASTHAN & ORS.

.. RESPONDENTS

WITH

**CRIMINAL APPEAL NO. 714 OF 2011
[ARISING OUT OF S.L.P. (CRL.) NO. 8742 OF 2010]**

NIRMAL MEENA

.. APPELLANT

VS.

STATE OF RAJASTHAN & ORS.

.. RESPONDENTS

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

While dealing with an application for quashing of a First Information under Section 482 of the Code of Criminal Procedure, the High court has made the following observations in its order of 17th October, 2010:

"Specific query was made from the Registrar, JNV Univeristy, Jodhpur with regard to academic atmosphere of the University and affiliated

colleges/educations institutions but, unfortunately, no satisfactory answer has been given by the Registrar. Upon the query made by the Court with regard to appointment of Lecturers/Asstt. Professors in the University, no satisfactory reply has been given and it only emerges that the Registrar has tried to put the responsibility on the shoulders of the State Government. Such type of atmosphere in the educational institutions meant for imparting higher education cannot be countenanced. This Court cannot sit as a silent spectator. Therefore, it is strongly recommended to the State Government that the present Registrar of the JNV University should immediately be replaced and, in her stead some other responsible officer should be posted as Registrar in the University well before the next date of hearing."

We are of the opinion that these observations were not called for in proceedings under Section 482 of the Code of Criminal Procedure and if such directions were required they ought to have been made on the basis of a writ petition by an aggrieved party or by way of a Public Interest Litigation. We, accordingly, direct that the observations quoted above need to be expunged from the order dated 17th October, 2010.

We are also told that pursuant to the observations of the High Court the Registrar of the University has been transferred. The transfer order dated 15th October, 2010 has been put on record by way of a Criminal Miscellaneous Application in Criminal Appeal No.

arisng out of SLP(Crl) 8742/2010. We had also directed status quo with regard to the transfer order vide order dated 21st October, 2010. We, accordingly, have nothing more to say On this and leave it open to the Chancellor of the University or any other appropriate authority to deal with the matter of transfer in accordance with law.

The appeals stand disposed of in the above terms.

.....J.
(HARJIT SINGH BEDI)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
March 11, 2011.

JUDGMENT