



2026:AHC:39901-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 101 of 2026

Umesh Yadav

.....Appellant(s)

Versus

The Banaras Hindu University, Varanasi through
its Registrar and 2 others

.....Respondent(s)

Counsel for Appellant(s)	: Kamal Krishna Roy, Sr. Advocate, Yadvendra Mani Mishra
Counsel for Respondent(s)	: Rahul Agarwal, Sr. Advocate, Reema Pandey, Ankur Agarwal, Ishan Mehta

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

Order on Delay Condonation Application

1. This appeal is barred by 73 days.
2. An application has been filed seeking condonation of delay in filing the appeal.
3. For the reasons indicated in the application supported by affidavit, the same is allowed.
4. Delay in filing the appeal is condoned.

Order on Memo of Appeal

1. This appeal is directed against order dated 09.10.2025 passed by learned Single Judge in Writ-C No. 39740 of 2024 wherein learned Single Judge came to the conclusion that due to passage of time, the petition has been rendered infructuous, however, as the matter arose out of an order of suspension of the petitioner, a student, by the respondent - University while disposing of the writ petition, a direction was given that the petitioner will be under an obligation to produce a copy of the order dated 16.11.2024 as and when he applies for further studies in any institution.
2. The appeal is confined to that part of the order which cast an obligation

on the petitioner-appellant to produce a copy of the order when he applies for further studies in any institution.

3. Counsel for the appellant made submissions that once the appellant has already suffered pursuant to order dated 16.11.2024 whereby he was suspended for a period of three months, requiring him to produce a copy of the said order before other institution wherein he seeks admission, would adversely affect his candidature for no fault of his and therefore, the order impugned deserves to be set aside to the said extent.

4. Counsel for the respondent - University though castigated the appellant for indulging into activities which resulted in his suspension, however, did not contest the prayer made in this regard.

5. Having considered the submissions made, we are firmly of the opinion that once the period of suspension was over and the learned Single Judge came to the conclusion that petition was rendered infructuous, there was no occasion to require the appellant to produce a copy of the order of his suspension 'as and when he applies for further studies in any institution'. The direction of the present nature, which would adversely reflect on the nature of the student and may also affect his eligibility for getting admission in another institution, in the first instance, could not have been passed without affording any opportunity of hearing in this regard. Besides, the same essentially was not required in the circumstances of the given case.

6. In view thereof, the appeal is **partly allowed**. The order dated 09.10.2025 is modified to the extent that directions contained in paragraph - 7 shall stand set aside.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 23, 2026

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