

affect the autonomy and the independence of the IIMs, but would ultimately affect the excellence achieved by them over the last four decades. The impugned order is vitiated in that the Respondents failed to take into account relevant facts but took into account irrelevant considerations (set out elaborately in the Writ Petition) in issuing the impugned order. The 2nd Respondent has admittedly issued the order with an eye on the vote bank. The 2nd Respondent in issuing the impugned order acted *mala fide* in that he wants to gain control over these world class institutions by destroying their autonomy and by making them financially dependant on the government.

4. The IIMs are facing a shortage of qualified faculty. Therefore in the event of any unilateral diktats of the Respondents to the IIMs there is a high possibility that a part of the existing faculty would leave either for private institutions or to foreign universities for teaching. In such an event the institutions which are composed largely of outstanding students and faculty would be damaged beyond repair.
5. But for the intervention of this Hon'ble Court there is a serious possibility that the educational institutions of higher learning and with it the future of the country could be irreversibly harmed for the personal benefit of the votebank of specific persons. Such *mala fide* action should not be allowed for even a short period of time as it will result in grave injury to a vast number of persons and institutions. No injury will be caused to the Respondents if the stay on the impugned order is allowed. The balance of convenience is entirely in favour of the Petitioners.
6. The Petitioners have a *prima facie* case and the purpose of filing the present petition will be frustrated if the order dated 5.2.04 is not stayed during the pendency of the present case;

PRAYER

It is, therefore, most respectfully prayed that pending final orders this Hon'ble Court may graciously be pleased to:

- (i) Stay the impugned order dated 5.2.2004.
- (ii) Pass an order restraining the Respondents from enforcing any other major decision which is likely to adversely impact the IIMs and its students pending the final hearing in this Petition.
- (iii) Directing the Respondents to disclose the contents of the UR Rao Committee report.
- (iv) Directing the Respondents to disclose all relevant information which the Ministry proposes to take, so that the public and the IIMs are allowed to take part in the consultative process for any improvements in management education.
- (v) appoint independent bodies/agencies, if necessary, to supervise and to report to this Hon'ble Court on the action taken by the Respondents in this connection; and
- (vi) Pass any other or further orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case.

DRAWN & FILED BY

(P.H. PAREKH & CO.)

Place: New Delhi
Dated: 9.2.2004