

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 29th April, 2015

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W.P.(C)No.3982/2015

CHANDRA SHEKHAR

..... Petitioner

Through: Petitioner-in-person.

Versus

UOI AND ORS.

..... Respondents

Through: Mr. Ajay Digpaul & Mr. Kunal Punj,
Advs. for R-1.
Mr. M. Atyab Siddiqui with Ms. Jaya
Goyal, Advs. for R-2,4,5,6&7.
Mr. Arjun Harkauli, Adv. for R-3.

CORAM :-

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

RAJIV SAHAI ENDLAW, J.

1. This petition under Article 226 of the Constitution of India, filed as a Public Interest Litigation (PIL), seeks, (i) a direction to the respondent no.1 Union of India through Ministry of Human Resource Development (MHRD) to undertake time bound Visitorial Inquiry into the affairs of the respondent No.2 Jamia Millia Islamia University in general and with specific reference to the allegations in the writ petition and to ensure that the affairs of the University are conducted within the parameters of the Jamia Millia Islamia Act, 1988 and other statutes applicable thereto and to take action against the erring officials;

(ii) a direction to the respondent No.1 UOI and to the respondent no.2 University to ensure that appointments of the SC/ST and the OBC employees to the respondent no.2 University are made as per the Constitutional Scheme; (iii) a direction to the respondent no.2 University and to the respondent no.3 University Grants Commission (UGC) to ensure that the admission process in the University is strictly in accordance with the Statute 21 and Ordinances 5 and 12 framed under the Jamia Millia Islamia Act; (iv) quashing of the Office Order dated 16th March, 2015 of the respondent no.5 Registrar of the University for reservation of seats in Jamia Schools for wards of employees of the University; and, (v) quashing of the Notification dated 23rd January, 2015 issued by the respondent no.5 Registrar, University of appointment of the respondent no.7 as the Controller of Examinations including for admissions, for the Academic Year 2015-16.

2. The petitioner claims to have filed this petition for maintaining the secular character of Jamia Millia Islamia University. He being an Advocate of this Court, has argued that the affairs of respondent no.2 University are in a mess and the University is being run in an arbitrary fashion as is evident from the important post of Controller of Examinations being not filled and *ad-hoc* appointments to the said post being made for the last several years. It is argued

that in the absence of a Controller of Examinations having certainty of tenure, the admissions are at the whims and fancy of the authorities of the University.

3. We are of the view, that as far as the grievance regarding reservation in admission and appointment and the malpractices in appointments and admissions to the University are concerned, it is not a matter for the petitioner, an Advocate to take up in public interest. It is for the candidates / students aspiring for appointment/admission and who are aggrieved in any manner owing to the malpractices, to approach the Court. In fact the petitioner could not deny the fact that this Court has had to create an 'Educational Matters Roster' to deal exclusively with such disputes as to educational institutions. We are thus of the view that there is no need to entertain this petition in public interest as far as the said aspect is concerned.

4. As far as the aspect of maintaining the secular character of the institution is concerned, the said matter is also pending consideration before this Court in W.P.(C) No. 1970/2011 titled ***Vijay Kumar Sharma Vs. National Commission for Minority Educational Institutions*** and connected petitions (including W.P.(C) No.3320/2011) and need is not felt to multiply the petitions and which

will lead to delay in disposal of the existing petitions also. We accordingly dismiss this petition, with no order as to costs.

RAJIV SAHAI ENDLAW, J

CHIEF JUSTICE

APRIL 29, 2015

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