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

+ **LPA 814/2012**

UNIVERSITY OF DELHI AND ANR.

..... Appellant

Represented by: Ms.Simran Jeet, Advocate for
Mr.Mohinder J.S.Rupal,
Advocate.

versus

ASHWIN CHADHA AND ANR

.... Respondents

Represented by: Mr.Ishan Khanna, Advocate for
Mr.Amit Sethi, Advocate for
respondent No.1.

+ **LPA 815/2012**

ASHWIN CHADHA

....Appellant

Represented by: Mr.Ishan Khanna, Advocate for
Mr.Amit Sethi, Advocate for
respondent No.1.

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Represented by: Ms.Simran Jeet, Advocate for
Mr.Mohinder J.S.Rupal,
Advocate for respondent No.1.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.10.2015

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1. Mr.Ishan Khanna and Ms.Simran Jeet, learned counsel who appear for Ashwin Chadha and the University of Delhi respectively, pray for an adjournment.

2. The two appeals are listed for final hearing in the category of 'Regular

Matters' and have reached for hearing today.

3. We have perused the pleadings of the parties and have inquired whether a Principal of Atma Ram Sanatan Dharam College has been appointed on regular basis. Learned proxy counsel say that they have no instructions. In their presence we have accessed the website of the Atma Ram Sanatan Dharma College and find that one Dr.Gyantosh K.Jha is functioning as the Principal of the college, appointed on permanent basis since November 16, 2013 i.e. after the impugned order dated November 20, 2012 was passed in the writ petition filed by Ashwin Chadha.

4. The appeals have become infructuous for the reason Ashwin Chadha, the appellant of LPA No.815/2012 and the first respondent of LPA No.814/2012, had filed a writ petition in which the order dated November 20, 2012 has been passed. Ashvin Chadha is aggrieved by a part of the order and the University of Delhi is aggrieved by another part thereof.

5. Ashvin Chadha had challenged the appointment of Dr.Sandeep Kumar Sharma as the Officer on Special Duty of Atma Ram Santan Dharam College. As per him his locus to maintain the writ petition was, he being a member of the Governing Body of the college. As per him, the University of Delhi raised objections to the names of the members nominated by the Trust which had established the college and the result was that decisions taken by the Governing Body were not being accepted by the University. As per him, a parallel Governing Body was formed. The post of Principal of the college being vacant, one set of persons claiming to be the Governing Body recommended that one Dr.Rajesh Mohan, the Vice Principal should be made the acting Principal. Another set of persons purporting to be the Governing Body recommended the name of one Dr.M.S.Sethi, the senior

most teacher. The grievance was to respondent No.2 being appointed as the Officer on Special Duty with the concurrence of the Vice Chancellor of University of Delhi.

6. The debate before the learned Single Judge was decided with reference to Clause 7(3) and Clause 7(3)(c) of Ordinance XVIII of the University of Delhi and the regulations framed by the University Grants Commission. The issue in the appeals concerns the apparent conflict between the provisions of the Ordinance of the University and the Regulations framed by the University Grants Commission. It also embraces the power of the Executive Council of the University of Delhi.

7. Even if the interpretation of the legal position concerning the regulations framed by the University Grants Commission and the Ordinances framed by the University of Delhi survive for consideration, but that would be only academic because as of today a regular Principal has been appointed. The issue decided by the learned Single Judge has even otherwise become a non issue because the guidelines framed by the University Grants Commission concerning appointment of a Principal of a college affiliated to a Central University have since been approved by the Executive Council of the University of Delhi and thus in future issues concerning appointment of Principal of a college affiliated to the University of Delhi would have to be decided keeping in view the decision of the Executive Council. We note that on said basis a subsequent Writ Petition No.1528/2014 concerning appointment of the Principal of Daulat Ram College was disposed of by learned Single Judge ignoring the impugned decision dated November 20, 2012. The order passed by the learned Single Judge deciding WP(C)No.1528/2014 is dated March 10, 2014.

8. Thus, the impugned decision would only remain an academic decision without any value as a precedent.

9. We decline to defer hearing, and since learned proxy counsels state that they have nothing to urge, we terminate the two appeals by recording that as regards the effective relief on which the parties were fighting the matter has become infructuous and as regards the law declared by the learned single judge we declare that subsequent events have rendered the impugned decision without any value as a precedent.

10. Both appeals are disposed of in terms of the declaration as above.

11. No costs.

CM Nos.20912/2012, 3999/2013 (Stay) and CM No.8721/2013 (intervention) in LPA 814/2012

CM Nos.20923/2012 (interim directions), 20924/2012 (Additional documents), 6877/2013 (Directions) and 8260/2013 (intervention) in LPA No.815/2012

Applications are dismissed as infructuous.


PRADEEP NANDRAJOG, J.


MUKTA GUPTA, J.

OCTOBER 15, 2015

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