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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 812/2016 & CM APPL. 3594/2016

PARTH SARTHI RAI

Through

..... Petitioner

Mr. Pankaj Rai, Advocate

versus

THE UNIVERSITY GRANT COMMISSION

AND ORS

Through

..... Respondents

Mr. Apoorv Kurup and Mr. Abhik,
Advocates for UGC.Mr. Naushad Ahmed Khan, ASC (Civil)
with Ms. Astha Nigam and Mr. Tarique
Yzdani, Advocates, GNCTD/R-2.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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01.02.2016

Present writ petition has been filed seeking a direction to declare Indian Hotel Academy run by the respondent nos. 3 and 4 as illegal and without approval from UGC. Petitioner further seeks a direction to R-1 and 2 to restrain R-3 and 4 from organizing courses and conducting examination and offering diploma/degree courses under the garb of UGC approved and recognized distance learning programmes.

Learned counsel for the petitioner states that on 30th June, 2014, petitioner took admission in the three years hotel management degree course in the aforesaid institute on the assurance given by respondent nos. 3 and 4 that the institute is approved from UGC.

Learned counsel for the petitioner further states that petitioner's father expired on 3rd February, 2015 due to long illness and during this stressful period on 5th May, 2015, respondent no. 4 issued a rustication order to the petitioner on the ground of false allegation of smoking.

Learned counsel for the petitioner further states that an undated letter was sent by student coordinator asking the petitioner to appear in the upcoming 2015 examination.

Learned counsel for the petitioner further states that he made a written request vide complaint dated 15th September, 2015 to respondent nos. 1 and 2 to look into the matter.

In the opinion of this Court, respondent no. 2's presence, at this stage, is unnecessary. Consequently, respondent no. 1-UGC is directed to dispose of petitioner's representation/complaint dated 15th September, 2015 in accordance with law. If need be, respondent no. 1 shall give an opportunity of hearing to petitioner as well as respondent nos. 3 and 4 before deciding the petitioner's complaint. Let the said representation/complaint be disposed of as expeditiously as possible, preferably within two months.

This Court clarifies that it has not expressed any opinion on the merits of the case and rights and contentions of all parties are left open. If the petitioner is aggrieved by the decision of respondent no. 1, he shall be at liberty to file appropriate proceedings in accordance with law.

With the aforesaid directions and observations, present writ petition and application stand disposed of.

MANMOHAN, J

FEBRUARY 01, 2016
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