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

+ LPA 404/2017

DR KANTA

..... Appellant

Through: Dr. K.S. Chauhan and MR. Charu
Lata Chaudhary, Adv.

versus

SHRI LAL BAHADUR SHASTRI RASHTRIYA SANSKRIT
VIDYAPEETHA & ORS

..... Respondent

Through: Ms. Rajul Jain, Adv for UOI

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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25.05.2017

The appellant has preferred the present appeal to assail the order dated 28.03.2017 passed by the learned Single Judge in W.P. (C) No. 1402/2016. By the impugned order, while admitting the writ petition and directing that the same be listed in the category of regular matters as per its year of seniority, the appellant's application to seek stay i.e. C.M. No.6156/2016 has been dismissed as infructuous, on the ground that respondent nos.6 and 7 (wrongly noted as respondent nos.8 and 9 in the impugned order) have already been appointed. By the said application, the appellant had sought stay of the appointment of the said respondents.

The appellant claims that he was also one of the candidates for the post of Deputy Registrar in the respondent university. He claims that the written test for the said post was held on 08.03.2014, which had been cancelled by the Vice Chancellor vide order dated 29.05.2014.

The grievance of the appellant is that, all of a sudden, the appointment orders of respondent nos.6 and 7 appointing them as Deputy Registrars were issued on 05.02.2016 and 5/9.02.2016. The appellant claims that the same was contrary to the bye laws governing the matter of recruitment and, in particular, he has placed reliance on bye law No.9(3), which deals with the aspect of validity of the advertisement.

Having heard counsel for the appellant, we do not find merit in the present appeal. This is for the reason that even if the appellant has a grievance in relation to the appointment of respondent nos.6 and 7 as Deputy Registrars, there could be no justification to seek stay of the said appointments during pendency of the writ petition. Even if the appellant succeeds in the writ petition, all that would happen is that the said appointments would be set aside and the posts would be re-advertised. However, during the pendency of the writ petition, it would not serve the interest of the respondent university and the students to keep the posts vacant. Therefore, in our view, there was no merit in the appellant's application to seek stay i.e. C.M. No.6156/2016, in any event of the matter.

In these circumstances, we dismiss the appeal. However, the hearing of the writ petition is expedited. The appellant may, accordingly, may move an application for early hearing of the writ petition. If such an application is made, the learned Single Judge may consider the said request sympathetically.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

VINOD GOEL, J

MAY 25, 2017

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