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

+ LPA 639/2017

UNIVERSITY OF DELHI

..... Appellant

Through: Mr. Sudhir Nandrajog, Sr. Advocate with
Mr. Mohider J.S. Rupal and Mr. Prang
Newmai, Advocates

versus

MANMEET KAUR SAREEN & ANR

..... Respondents

Through: Mr. Rajiv Nayyar, Sr. Advocate and Mr.
Sandeep Sethi, Sr. Advocate with Mr.
Rajeshwar Rao, Mr. T. Singhdev, Ms.
Amandeep Kaur and Mr. Tarun Verma,
Advocates for R-1
Mr. Ripu Daman Bhardwaj, CGSC with Mr.
T.P. Singh and Mr. Sahaj Garg, Advocates
for R-2

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **25.09.2017**

Caveat Nos.841/2017 & 844/2017

Since counsel as above appears for the caveator/respondent No.1, the
caveat is discharged.

CM Nos.35251-52/2017

Allowed subject to just exceptions.

1. We have heard learned counsel for the parties.
2. Issue notice.
3. Learned counsels as above accept notice for respondents.
4. The records reveal that the learned Single Judge has listed the contempt proceedings on October 12, 2017 and the writ petition on November 29, 2017.
5. It was argued by the learned senior counsel on behalf of the University that the interim directions in the nature of mandamus is not justified, and given the fact that there are only a limited number of seats available, and for which possibly, there is a greater number of candidates, who too would have to be notified. It was also urged that the vacancies are to be filled up by SC/ST candidates and the notice given, was confined to the consideration of the claims of the candidates possessing a certain minimum cut off marks which did not take into account the ranking of the SC/ST candidates and the marks that were awarded to them.
6. In other words if the admission process would have continued with a more flexible approach rather than by virtue of the cut off marks indicated, the seats could have been filled. It is also brought to the notice of the Court that the issue with respect to the sanctioned strength, (i.e. whether 2310 seats for the current interregnum years) is pending consideration before another Division Bench of this Court and is listed today.
7. This Court has carefully considered the submissions and is of the opinion that any adjudication on this based on the merits of the issue urged, would not be appropriate at this stage, since the learned Single Judge has not

yet disposed of the writ petition. No doubt the learned Single Judge has issued a direction to admit the contesting respondent. However, that direction is an interim one and subject to the final outcome of the proceedings. In these circumstances all the arguments that are available to the University should be urged before the Single Judge who is requested to hear the writ petition, on the date the contempt proceedings are listed i.e. on October 12, 2017 and finally decide the substantive petition. The University stated that in the meanwhile, the respondent-candidate may approach the Law Faculty through the Dean during the course of the day and who would permit her to join classes. It is stated that this is subject to the understanding that the respondent's admission would be subject to the final outcome of the proceedings.

8. The learned Single Judge is requested to decide the writ petition as expeditiously as possible at her convenience.

9. All the rights and contentions of the parties are left open.

10. No other equities would arise or be claimed in such a manner.

11. In view of the above order, learned counsel for respondent No.1 states on instructions that contempt proceedings be treated as dropped or CC No. 653/2017 is accordingly disposed of as withdrawn.

12. Further, the parties, through their counsel, are directed to appear before the learned Single Judge in accordance with the above order for further hearing of the writ petition on the date fixed i.e. October 12, 2017.

13. It is agreed by the parties that the e-mail dated September 22, 2017, shall be treated as expunged from the judicial record. It is further agreed

that in accordance with the order of the learned Single Judge dated September 19, 2017, the attendance requirements will be calculated from the date the respondent is permitted to and in fact joins and attends classes.

14. The appeal is disposed of.

15. Order dasti under signatures of the Court Master.

S. RAVINDRA BHAT, J.

SUNIL GAUR, J.

SEPTEMBER 25, 2017

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