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

+ **W.P.(C) 9775/2017 & C.Ms. 39780-81/2017**

SALMAN JAMEEL

..... Petitioner

Through: Ms. Antima Bazaz & Mr. Robin

versus

INDIAN INSTITUTE OF TECHNOLOGY DELHI (IIT)

..... Respondent

Through: Mr. Abhinav Mukerji & Mr. Bihu
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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07.11.2017

Petitioner is the father of Baby-*Anabia*, aged 8 years now, and since petitioner's marriage has irretrievably broken down, therefore, petitioner had obtained divorce by mutual consent and while taking into account the age of petitioner's daughter, her custody was given to petitioner's ex-wife, but with visitation rights to petitioner.

Learned counsel for petitioner submits that mutual consent divorce took place on 20th May, 2010 and thereafter, petitioner has taken LIC policy in name of his only daughter i.e. Baby-*Anabia*, and is taking care of her needs and is regularly paying her school fees, etc., as petitioner's ex-wife is a housewife and is not able to support petitioner's daughter.

It is the case of petitioner that he had sought reimbursement of Children Education Allowance in respect of his daughter namely Baby-*Anabia*, but it has been declined by the respondent vide impugned order

of 12th April, 2017 by simply observing that petitioner's daughter is not wholly dependant on him.

Since the foundational facts have not been stated in the writ petition, therefore, on the oral prayer of petitioner's counsel, petitioner is permitted to make a brief and concise representation to respondent against impugned order of 12th April, 2017 (*Annexure P-12*) within two weeks from today and if such a Representation is received by respondent, then it be decided in accordance with the applicable Rules and while taking into account the background of the case as projected by petitioner. In case petitioner's Representation is not accepted by respondent, then the reasons for not doing so, shall be indicated in the order, which has to be a speaking order and if need be, any clarification can be sought from petitioner.

Let respondent decide petitioner's Representation within six weeks of receiving it and the fate of the Representation be made known to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be.

With aforesaid directions, this petition and the applications are disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 07, 2017

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