

\$~12

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

+ W.P.(C) 10176/2015

HARPAL SINGH SANGWAN

..... Petitioner

Through: Mr.Vijay Singh with Mr.Amit Wahi,
Advs.

versus

UNIVERSITY GRANTS COMMISSION & ORS. Respondents

Through: Mr.B.K. Singh, Adv. for UGC.
Mr.Amit Bansal, Adv. for R-3 to 6.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

03.02.2017

1. The petitioner who claims to be a former student of law in the University of Delhi filed this Public Interest Litigation petition raising the issue of the alleged non-compliance of the provisions of University Grants Commission (Grievance Redressal) Regulations, 2012 with regard to appointment of 'Ombudsman' by the universities, in particular, the University of Delhi.
2. University Grants Commission (Grievance Redressal) Regulations, 2012 (for short 'the Regulations of 2012') have been made by UGC in exercise of the power conferred under 26(1) of the UGC Act, 1956. Regulation 4 provides that each university shall appoint an Ombudsman for redressal of grievances of students under the said Regulations. Regulation 4(5) provides for the constitution of Search Committee for appointment of the Ombudsman in a

State university and Regulation 4(6) provides for the constitution of the Search Committee for appointment of the Ombudsman in a Central University and institution deemed to be university. The Ombudsman shall be a part-time officer appointed for a period of three years or until he attains the age of 70 years whichever is earlier.

3. That apart, as per Regulation 5, Grievance Redressal Committee has to be constituted by the Vice Chancellor of the affiliating university for an individual college or a group of colleges. The constitution of such Grievance Redressal Committee has been provided under Regulation 5(2). The tenure of such Committee shall be two years and against the decision of the said Committee an appeal is provided to the Ombudsman under Regulation 5(5).

4. On a perusal of the provisions of the Regulations of 2012, it appears to us that appointment of an Ombudsman for every university and constitution of a Grievance Redressal Committee for every college or group of colleges is mandatory for the purpose of grievance redressal of the aggrieved students. The UGC is empowered under Regulation 9 to take the actions specified therein in respect of any institution which willfully contravenes or repeatedly fails to comply with the orders of the Ombudsman or the Grievance Redressal Committee.

5. It is alleged in the present petition that the Delhi University failed to appoint an Ombudsman as mandated under Regulation 4. The short affidavit filed on behalf of the respondent Nos.3 to 6 shows that though in terms of Regulation 5, the Grievance Redressal Committees have been constituted vide notification dated 03.12.2014, no Ombudsman has been appointed till date as

mandated under Regulation 4. We also found from the counter affidavit filed on behalf of UGC that a Search Committee has already been constituted vide Office Memorandum dated 06.08.2014 for appointment of Ombudsman in terms of Regulation 4(6) and all the Central universities/State universities were informed of the same vide letter dated 12.08.2014.

6. Having heard the petitioner appearing in person and the learned counsel appearing for the respondents, it appears to us that failure of the universities to appoint Ombudsman or to constitute Grievance Redressal Committees for the colleges would defeat the very object of the grievance redressal mechanism provided under the Regulations.

7. We, therefore, direct that the University of Delhi shall take the necessary steps forthwith and appoint the "Ombudsman" in terms of the provisions of the UGC (Grievance Redressal) Regulations, 2012 as expeditiously as possible preferably within a period of four months from today. Having regard to the fact that except Delhi University, no other University is made a party to this petition, we also direct the UGC to ensure appointment of "Ombudsman" in all the Central/State Universities following due process of law within four months from today.

8. Writ petition is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

FEBRUARY 03, 2017/ss/pmc