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

+ W.P.(C) 1835/2018 & C.M. No.7594/2018

TRINITY INSTITUTE OF PROFESSIONAL STUDIES

.... Petitioner

Through

Mr.R.K. Saini, Adv. with
Mr.Prashant Sharma, Adv.

versus

GGSSIP UNIVERSITY & ANR.

..... Respondents

Through

Ms.Anita Sahani, Adv. for
Respondents.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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26.02.2018

Vide the present petition, the petitioner/Institute has *inter alia* prayed for quashing of the order dated 4th September, 2017 passed by the Appellate Committee of the respondent No.1/University rejecting the petitioner's appeal. Learned counsel for the petitioner submits that being aggrieved by the Joint Assessment Committee's report dated 18th June, 2017 whereby the petitioner had been placed in category 'C' for the year 2017-18 vis-a-vis category 'B' in which the petitioner was consistently placed in the earlier years, the petitioner had preferred an Appeal before the Appellate Committee which has been rejected by the Committee by a non-speaking order by merely stating "*The committee observed that the decision of the JAC is as per norms after assessment during inspection*".

Learned counsel for the petitioner submits that since a valuable right of the petitioner was effected, the Appellate Committee could not have rejected the appeal without giving an opportunity of hearing to the petitioner. He submits that the impugned order has been passed without dealing with any of the contentions raised by the petitioner in its appeal.

Mr.Saini submits that at this stage, the petitioner would be satisfied if the respondents are directed to consider its appeal afresh and pass an order dealing with the contentions raised by the petitioner after giving an opportunity of hearing to the petitioner.

Issue notice. In view of the limited prayer made by learned counsel for the petitioner, Ms.Sahani, learned counsel for the respondent appearing on advance notice, does not wish to file any counter affidavit and submits that the petition may be heard on the basis of pleadings already on record. Though she submits that the impugned order was passed after considering all the relevant circumstances, she is unable to dispute the position that the impugned order dated 4th September, 2017 does not record any reasons nor shows that any hearing was granted to the petitioner.

Having heard the learned counsel, I am of the considered view that once the petitioner had raised various grounds in its appeal challenging the report of the Joint Assessment Committee, while deciding the Appeal, the Appellate Committee was expected to at least deal with the grounds raised by the petitioner in the appeal. A perusal of the impugned order dated 4th September, 2017 shows that the petitioner's appeal was rejected without even referring to any of

the grounds. In these circumstances, the impugned order dated 4th September, 2017, cannot be sustained and is liable to be set aside.

The impugned order dated 4th September, 2017 is quashed and the respondents are directed to re-consider the petitioner's appeal by passing a reasoned and speaking order within two months. I am also of the considered opinion that keeping in view the facts of the present case, the respondents should grant an opportunity of hearing to the petitioner before passing a final order on its appeal. Accordingly, before taking any final decision on the petitioner's appeal, the Appellate Committee is directed to permit one authorised representative of the petitioner to appear before the Committee to make submissions in support of the appeal.

Needless to say, the aforesaid order is being passed without prejudice to the rights and contentions of the parties. In case the petitioner is aggrieved by the order passed by the respondent, it will be entitled to take legal recourse as permissible under law.

The petition and application are disposed of in the aforesaid terms.

REKHA PALLI, J

FEBRUARY 26, 2018/aa