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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5101/2018
DR. ATHER FAROUQUI Petitioner

Through Mr. A.K. Singla, Sr. Adv. with
Mr. Pankaj Gupta, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through Mr. Gautam Narayan, ASC for
GNCTD with Ms. Mahamaya
Chatterjee, Mr. Abhinav Goyal, Advs.
alongwith Mr. Ghayasraz, UDC, Urdu
Academy, Mr. Parvez Akhtar Khan,
Nodal Officer, Urdu Academy and
Mr. Sukhpal Singh, UDC, Dept. Of
Art, Culture and Language, GNCTD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **14.05.2018**

CM APP No. 19716/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 5101/2018 & CM APP No. 19716/2018

2. Issue notice. Mr. Gautam Narayan accepts notice on behalf of respondents no.1 and 2.

3. At the outset, Mr. Singla, learned senior advocate, says that since the petitioner's principal grievance is against respondents no.1 and 2, for the moment, respondents no.3 and 4 need not be retained as parties to the present proceedings.

4. Pertinently, at request of Mr. Singla, learned senior advocate, respondents no.3 and 4 are deleted from the array of parties.

5. Furthermore, in view of the order that I propose to pass Mr. Narayan says that he does not wish to file a counter affidavit in the matter.

6. The substantive prayer made in the writ petition is as follows:

“to issue writ of mandamus/certiorari of any other writ(s), direction or order thereby ordering quashment of nomination of respondent no.3 as Vice Chairman of Academy described in Notification dated 01.12.2017 and quashment of respondent no.4 communication dated 21.03.2018 being in violation of Rules and Regulations published by respondent no.1 in this behalf and to pass such further order, considered just fit, proper and expedient in the facts and circumstances of the case.”

7. As would be evident upon a perusal of the prayer, the grievance of the petitioner is that the notification dated 1.12.2017 is contrary to the extant rules. Via this order, the Chief Minister has, *inter alia*, nominated respondent No.3/ Prof. Wajeehuddin (Shephar Rasool) as Vice-Chairman, Urdu Academy.

7.1 This apart, it is contended that the incumbent Member Secretary, one, Mr. S.M. Ali could not have acted in the said capacity in view of the fact that he cannot be nominated by the Chief Minister but would have to be, if at all, appointed on terms and conditions set out in Annexure-A at page 31 of the paper book.

8. As regards the nomination of Prof. Wajeehuddin (Shephar Rasool), the contention is that the said person could not have been nominated by the Chief Minister and that he had to be elected by the Executive in terms of Rule 6(i) of the Rules and Regulations, Urdu

Academy, Delhi (hereafter referred as 'Rules').

9. I may also note that insofar as the objection to the nomination of Mr. S.M. Ali, Member Secretary, is concerned, Mr. Singla has relied upon Rule 7(i) of the aforementioned rules and regulations.

10. It is not in dispute that the petitioner has, in fact, filed a representation qua the nomination of respondent No.3/ Prof. Wajeehuddin as the Vice Chairman. This representation is appended as Annexure-C at page 33 of the paper book.

11. Thus, having regard to the aforesaid facts and circumstances, the writ petition is disposed of with the following directions:

(i) The Chief Minister will deliberate upon the representation filed by the petitioner concerning the incumbent Vice-Chairman and thereafter pass a speaking order.

(ii) Insofar as Mr. S.M. Ali, Member Secretary is concerned, the Chief Minister will take a decision as to whether or not he can act in that capacity, having regard to the qualifications prescribed in annexure A, appended to the writ petition. In case Mr. S.M. Ali does not fulfil the qualifications, then, the Chief Minister would take a decision on the appointment of a suitable candidate as Member Secretary, Urdu Academy.

(iii) While taking a decision in the matters adverted to above, the Chief Minister will call upon both Prof. Wajeehuddin (Shephar Rasool), Mr. S.M. Ali as also the petitioner, to have their say in the matter.

12. Needless to say, a copy of the order passed by the Chief Minister will be furnished to the petitioner and all concerned parties.

13. The Chief Minister is requested to dispose of the matter at the earliest.

RAJIV SHAKDHER, J

MAY 14, 2018

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