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

+ W.P.(C) 7322/2018

KANHAIYA KUMAR

..... Petitioner

Through Ms. Rebecca John, Senior Advocate
with Ms. Tarannum Cheena, Ms.
Smrithi Suresh, Ms. Hiral Gupta and
Ms. Megha Bahl, Advocates

versus

JAWAHARLAL NEHRU UNIVERSITY AND ANR.

..... Respondents

Through Ms. Ginny J. Rautray and Ms.
Anushka Ashok, Advocates for JNU

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

% **20.07.2018**

C.M. No.27934/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

The present application stands disposed of.

W.P.(C) 7322/2018 & C.M. No.27933/2018 (Stay)

Issue notice.

Ms. Ginny J. Rautray, learned counsel accepts notice on behalf of the JNU.

Having heard learned counsel appearing on behalf of the parties at length and perused the petition paper book, I am of the considered view that the impugned office order No.105/CP/2018 dated 04.07.2018, suffers from the vice of illegality, irrationality and procedural impropriety. Although, the order purports to impose a fine of Rs.10,000/- on the petitioner, the action taken against him

constitutes a disciplinary action entailing civil consequences and thereby causing grave prejudice to the petitioner.

In my view, therefore, *prima facie*, the order is unsustainable on innumerable counts.

At this stage, Ms. Ginny J. Rautray, learned counsel appearing on behalf of the JNU states that they would like to recall the impugned office order dated 04.07.2018, with liberty to comply with the directions of this Court, issued in the earlier round of proceedings between the parties, in accordance with law, culminating in a reasoned order.

In view of the statement made on behalf of Ms. Ginny J. Rautray, learned counsel appearing on behalf of the JNU, the present petition is allowed. The impugned office order dated 04.07.2018, is set aside and the matter is remanded back to the Appellate Authority to conduct *de novo* proceedings, in accordance with law.

The present petition is disposed of accordingly. Pending application also stands disposed of.

A copy of this order be given *dasti* to the learned counsel appearing on behalf of the parties under signature of the Court Master.

SIDDHARTH MRIDUL, J

JULY 20, 2018/as

