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

+ LPA 684/2019

PROF KUMKUM ROY & ANR

..... Appellants

Through: Mr. Yashraj Singh Deora, Ms. Sonal
Mashankar and Mr. Shyam Agarwal,
Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY & ORS Respondents

Through: Ms. Monika Arora and Mr. Kushal
Kumar, Advocates for respondent No.
1/ JNU.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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01.11.2019

C.M. No. 47210/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

LPA 684/2019 and C.M. No. 47209/2019

The present appeal is directed against the order dated 20.09.2019 passed by the learned Single Judge in CM No. 42268/2019 in W.P.(C) No.10252/2019. By the interim order, the learned Single Judge declined the grant of interim stay sought by the appellant/ petitioner to the appointment of respondent No. 3 as the Chairperson of the Centre for Historical Studies in the respondent No. 1/ University. The reason for the interim order being declined was that the appointment had already been made on 14.08.2019, whereas the writ petition had been filed only in September, 2019 and the impugned order came to be passed on 20.09.2019.

In our view, the learned Single Judge rightly declined to grant the interim order of stay of the appointment of respondent No. 3 since that would

tantamount to granting final relief sought in the writ petition. Learned counsel for the appellant has advanced two submissions. Firstly, he states that the writ petition may be disposed of on an early date since the tenure of appointment of respondent No. 3 is two years and if the writ petition is not decided early, the same would become infructuous. He, secondly, submitted that respondent No. 3 while acting as the Chairperson of the Centre for Historical Studies would undertake other appointments and thus, there should be stay of further appointments made by respondent No. 3 in his capacity as the Chairperson.

So far as the first submission is concerned, we can only request the learned Single Judge to take up the writ petition for hearing as early as possible considering the circumstance that the tenure of appointment of respondent No. 3 is only two years. So far as the second relief sought by the appellant is concerned, we are not inclined to obstruct the discharge of responsibilities by respondent No. 3 as the Chairperson, as that would hamper the activities and working of the institution, which would not be in public interest. It goes without saying that doctrine of *lis pendence* would apply. However, how the said doctrine is to be applied, would have to be determined by the learned Single Judge at the time of disposing of the writ petition, in case, the learned Single Judge is inclined to allow the writ petition.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SANJEEV NARULA, J

NOVEMBER 01, 2019

B.S.Rohella