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

+ W.P.(C) 6809/2017

MUKESH DAGAR

..... Petitioner

Through: Dr. Maurya Vijay Chauhan, Adv.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Ramesh Singh, Standing

Counselwith Mr. Chirayu Jain & Mr. Ishaan

Agarwal, Advs. for GNCTD

Mr.M.K. Bhardwaj, Adv. for R-6 to 8, 11 & 13.

Mr. Anil Mittal & Ms. Komal Aggarwal, Advs. for
R-9

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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09.07.2019

1. This public interest litigation has been preferred with the following prayers:

(a) Issue a suitable order/ directions/ writ in the nature of quo warranto against the Respondent No. 4 asking him to demonstrate his legal authority to continue to officiate as the Principal Director of Respondent No. 2, and in the event of his failure to do so restrain him from officiating as the Director Principal;

(b) issue a writ in the nature of mandamus directing the Respondent No. 3 (Chairman of the Governing Council of the Respondent No. 2) to ensure that regular meetings of the Respondent No. 2 Sansthan is held as per the bye-laws and Asia's

largest Ayurved medical college is not run as a personal fiefdom;
(c) *issue a writ in the nature of certiorari quashing the advertisement number 01/2016 issued by Respondent No. 2 and the entire selection process pursuant thereto in view of the fact that the said selection process is contrary to the recruitment rules and tailor made to filter out meritorious candidates from the recruitment process and favour a clutch of "chosen few" persons by Respondent No. 4 and is therefore vitiated by mala fide;*
(d) *issue a writ in the nature of mandamus directing the Respondent No.1 and 2 to carry out the recruitment of faculty in accordance with the applicable bye-laws, recruitment rules, governing council guidelines and government resolutions on reservation in a non-discriminatory manner and in consonance with articles 14 and 21 of the constitution of India;*
(e) *Order a CBI investigation into the conspiracy and corruption carried out by the Respondent No.4 under the patronage and oversight of Respondent No. 3 in the recruitment of PG faculty of the Sansthan and other affairs of the Sansthan and other Colleges and Hospitals under the aegis of Department of Ayush, in which the Respondent No.3 has been given the officiating charge of head of institution.*

2. Having heard both sides and looking to the facts and circumstances of the case, it appears that mainly this writ petition has been preferred for three purposes, namely:

- (a) Grievance of the petitioner is about the appointment of the ad-hoc Director in the respondent institution;
- (b) Regular Director should have been appointed; and
- (c) Legality of appointments or otherwise of the appointments made by ad-hoc Director.

3. Counsel appearing for respondents No.1 to 4 submitted that ad-hoc

Director has now already been removed and is replaced. So far as appointment of the regular Director is concerned, it is submitted by the learned counsel for respondents No.1 to 4 that the process has already been started and it will be completed within a period of four months from today, as far as possible.

4. It is further submitted by the learned counsel for respondents No.1 to 4 that so far as appointments made by ad-hoc Director are concerned, the action has been initiated against the appointees and now, all of them have approached this Court. In one case, the writ petition has been preferred by such employee and the same is disposed of.

5. In view of these facts, we see no reason to give any further guidelines to the respondents because all the prayers have been accepted by the respondents.

6. With the aforesaid observation, this writ petition is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 09, 2019/ns