

\$~A-2

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

%

Date of decision: 19.08.2020

+ **W.P.(C) 2341/2020 and CM No.19575/2020**

DEEPAK SHARMA

..... PETITIONER

Through Mr. Sitab Ali Chaudhary, Mr.
Rajeev Kumar Arya, Mr.
Gufran Ali and Mr. Mahtab Ali,
Advocates with Petitioner in
person.

versus

UNION OF INDIA AND ANR.

..... RESPONDENTS

Through Mr. Awadhesh Singh, Adv. for
R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

CM No.19576/2020

This Application has been filed by the Applicant seeking exemption from filing requisite Court Fee. Application is disposed of with a direction to the Applicant to file the same within 72 hours from the date of resumption of regular functioning of the Court.

W.P.(C) 2341/2020 & CM No.19575/2020

1. Present Application has been filed by the Petitioner seeking appropriate order / direction to Respondent No.1 / Ministry of Human

Resource Development (MHRD) to decide Petitioner's representation dated 19.01.2020 pending with the Ministry, for approval of his appointment to the post of Registrar of Tripura University as recommendation to that effect has already been sent by the University. It is further prayed to restrain the University from advertising or appointing any other person to the said post. Learned counsel for Petitioner submits that the present Application is necessitated on account of the fact that Petitioner has reliably learnt that Respondent University is in the process of issuing fresh advertisement for selection to the post of Registrar.

2. Learned counsel for Petitioner has drawn attention of the Court to Annexure P-3 at page 60 of the Petition, which contains the Proceedings of the 33rd Meeting of the Executive Council of Tripura University, held on 30.08.2019. At Miscellaneous Agenda No.7 at page 61 therein, a panel was approved pursuant to the selection held by the University and it was recorded that appointment letter be issued to the Petitioner herein. Learned counsel further draws attention of the Court to Annexure P-4, which is a part of the Proceedings of the 34th Meeting of the Executive Council held on 22.10.2019, wherein at page 95 it was noticed under Miscellaneous Agenda No.7 of Item No. 02/34/2019, that Executive Council had authorized the Chair to issue appointment letter to the Petitioner, subject to concurrence of MHRD.

3. Learned counsel submits that Petitioner is awaiting appointment only because concurrence from MHRD has not been received as yet. He further submits that representation in this behalf had been sent to

MHRD on 19.01.2020. However, there has been no response from MHRD to the same. He therefore submits that the limited relief sought in the present Petition is only a direction to MHRD to dispose of the representation and take a decision on appointment of the Petitioner as Registrar, which has been duly recommended by the Executive Council of Tripura University.

4. Mr. Awadhesh Singh learned counsel for Respondent No.1 takes a preliminary objection to the maintainability of the present Petition and submits that this Court lacks territorial jurisdiction to entertain the present Petition, as the University concerned is located at Tripura. He further submits that merely because the Head Office of MHRD is at Delhi, the same is not a ground to give jurisdiction to this Court.

5. I have heard learned counsels for the parties.

6. Prayer in the present Petition is a very limited one. MHRD / Respondent No.1 is directed to dispose of the representation of the Petitioner within a period of four weeks from today. The decision so taken shall be communicated to the Petitioner. If aggrieved by the said decision, Petitioner shall be at liberty to take recourse to appropriate remedy available to him in accordance with law.

7. It is made clear that Court has not ruled on the aspect of territorial jurisdiction and the said issue is kept open.

8. With the consent of the parties, the petition along with accompanying application, is accordingly disposed of in the aforesaid terms.

9. Date of 07.10.2020 earlier fixed is hereby cancelled.

JYOTI SINGH, J

AUGUST 19, 2020

yg

