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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ WP (C) NO. 3103/2020 & CM APPLNs 10779-81/2020  
MS.ABHA DEV HABIB & ORS. ... Petitioners  
Through: Mr.Shikhar Khare and  
Mr.Ramaswamy, Advs.

versus  
UNIVERSITY OF DELHI ... Respondent  
Through: Mr.Mohinder Rupal, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**  
% **12.05.2020**

**CM APPLNs 10780-81/2020** (*exemption*)

Allowed subject to all exceptions.

**WP (C) NO. 3103/2020 & CM APPL.No.10779/2020**

1. This writ petition is filed by the petitioners seeking an appropriate direction to declare the collection of funds by the respondent/University in terms of communication dated 29.03.2020 as *null and void*.
2. A perusal of the said communication dated 29.03.2020 shows that it pertains to contribution to the Prime Minister's National Relief Fund to combat COVID-19 epidemic. The communication further appeals to the colleagues/employees of the respondent/University to contribute one day's salary to the Prime Minister's National Relief Fund (*in short* 'PMNRF').
3. I have heard learned counsel for the parties.
4. Learned counsel for the petitioners has urged that based on this communication deductions have been made for one day's salary from all the employees without taking a specific consent. He submits that this communication in question dated 29.03.2020 was not properly publicised and most employees of the respondent/University were never informed

about the decision of the University to deduct one day's salary. He submits that in the absence of the specific consent of the employees, it would be wholly illegal for the University to deduct one day's salary in this manner.

5. Learned counsel appearing for the respondent/University Mr.Rupal submits that necessary contribution to the PMNRF has already been effected by the respondent/University of Delhi. Mr.Rupal has also pointed out that the petition is not maintainable because the petitioners though claim to be filing a PIL are actually personally interested in the outcome of the writ petition.

6. I may clarify that the learned counsel for petitioners has denied the said contention of the learned counsel for the respondent/University.

7. It is clear that the respondent/University has sought consent to deduct the salary from the employees. However, it appears that the concerned communication may not have reached all the employees. It is evident that there is a grave situation existing in the country on account of the pandemic. Consequently, there may have been a lapse on the part of the respondent/University in proper communication. However, in these special facts and circumstances, I am of the opinion that it would not be appropriate for this court to exercise discretion in favour of the petitioners. It is clear that the decision whether or not to entertain an action under writ jurisdiction remains a decision to be taken on examination of the facts and circumstances.

8. The petition is accordingly dismissed. All pending applications, if any, are also dismissed.

**JAYANT NATH, J.**

**MAY 12, 2020/st/v**