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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3702/2020**

S.M. NAFEES

..... Petitioner

Through: Mr. Hemant Choudhary, Advocate

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC for UOI

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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24.06.2020

C.M. APPL. 13250/2020

Exemption allowed, subject to all just exceptions.

Application stand disposed of.

C.M. APPL. 13251/2020

In view of the prevailing situation, Application is disposed of with a direction to the Applicant to pay the requisite Court Fee within a period of one week of lifting of the lockdown.

Application stands disposed of.

W.P.(C) 3702/2020

Hearing has been conducted through Video Conferencing.

Present petition has been filed seeking a direction to the Respondents for immediate removal /suspension /dismissal of Respondent No. 3, from

the post of Member, National Commission for Minorities.

Under the National Commission of Minorities Act, 1992, power to remove Members of the Commission lies with the Central Government. Relevant provision of the said Act is extracted hereunder:

“Section 4 - Term of office and conditions of service of Chairperson and Members.

xxx xxx xxx

3) *The Central Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person--*

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) *refuses to act or becomes incapable of acting;*

(e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(f) has, in the opinion of the Central Government, so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interests of minorities or the public interest”

Mr. Chaudhary fairly points out that no representation has been made so far to the Central Government bringing to the notice of the Central Government, the grievances of the Petitioner.

Mr. Chaudhary seeks to withdraw this petition with liberty to make a representation to the Central Government.

Petition is accordingly disposed of granting the liberty as prayed for.

It is made clear that the question of locus of the Petitioner and the maintainability of the present petition is kept open.

JYOTI SINGH, J

JUNE 24, 2020
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