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

Date of Decision: 15th July, 2020

+ **LPA 173/2020 & CM APPLs.15104-05/2020**

ANMOL PANWAR

..... Appellant

Through: Mr. Mohit Mathur, Sr. Adv.
along with appellant-in-person.

versus

UNIVERSITY OF DELHI & ORS.

..... Respondents

Through: Mr. Mohinder Rupal and
Mr. Hardik Rupal, Advs. for
R-1 & 3/University of Delhi.

Ms. Beenashaw N. Soni, Adv.
for R-2.

Mr. Ramesh Singh, SC with
Ms. Mrinalini Sen Gupta &
Ms. Nihaarika Jauhari, Advs.
for R-4/GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.07.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL.15105/2020 (exemption)

Allowed, subject to just exceptions.

LPA 173/2020 & CM APPL.15104/2020

1. This Letters Patent Appeal has been preferred by the original petitioner against an interim order passed by the learned Single Judge in W.P.(C) No.4033/2020 dated 08.07.2020.

2. The said writ petition concerns the nomination of the appellant to the Governing Body of Lakshmibai College [respondent no. 2 herein, hereinafter referred to as “the College”] by the Government of NCT of Delhi [respondent no. 4 herein, hereinafter referred to as “GNCTD”]. The College is a constituent of Delhi University [respondent no.1 herein, hereinafter referred to as “the University”].

3. It is stated in the writ petition that the petitioner, who is an Advocate of this Court, served as the Chairman of the Governing Body of the College for the year 2018-19. According to the appellant, the Governing Body of the colleges sponsored by GNCTD (including Lakshmibai College) consists of 15 members, including 10 members nominated by the GNCTD out of which 5 persons are from a list sent by the University. GNCTD nominated the appellant for a further term by a communication dated 28.06.2019 (at page 115 of the memo of the appeal). However, the University has, by Resolution no. 68 of the Executive Council dated 13-15.03.2020 (at page 94 of the memo of the appeal), *inter alia* requested GNCTD to reconsider the nomination of the appellant. Although the nomination of the appellant has been reiterated by GNCTD vide a communication dated 20.03.2020 (at page 95 of the memo of the appeal), the University has not acted

thereupon. In the meantime, it is stated in the writ petition that a meeting of the Governing Body was scheduled, to which the appellant was not invited. This resulted in filing of the writ petition on 06.07.2020.

4. By the impugned order dated 08.07.2020, while directing the respondents to file their counter affidavits to the writ petition, the learned Single Judge observed as follows:-

“7. Since there is a serious dispute as to the nomination of the Petitioner into the Governing Body of College, at this stage, it would not be permissible for this Court to deem that the Petitioner is a member of the said Governing Body. The question as to whether the Delhi University can approve or disapprove the nomination of any candidate, who has been nominated by the GNCTD of Delhi would have to be adjudicated by this Court after completion of pleadings.

8. Both the counsels appearing for the Petitioner and the college agree that the first General Body Meeting is being convened as the matter is being heard currently. Ld. Counsel for the College submits that the elections may also be required to be called in conformity with the applicable rules and regulations. This Court does not wish to interdict the functioning of the Governing Body, which has 14 members as of today as it is also in the interest of the College that the Governing Body ought to fully function. Accordingly, the Governing Body is permitted to take all decisions required for the day to day activities of the college. Elections, if held, shall be as per the applicable Regulations and would be held only after giving one week's notice so that the persons, who may want to nominate themselves for the various posts, would be given adequate notice for filling their nomination/s. The outcome of the elections shall also be subject to the

orders, which would be passed in the present writ petition.”

5. Mr. Mohit Mathur, learned Senior Counsel for the appellant, submits that after the impugned order was passed, the election for the office bearers of the Governing Body has also been scheduled. He submits that the request of the University directing the reconsideration of the appellant's nomination is contrary to law, being unsupported by reasons and that, in any event, the nomination has been reiterated by GNCTD. He also contends that the Governing Body must be composed of 15 members and the present composition of the Governing Body with only 14 members is *non est*. In these circumstances, Mr. Mathur submits that the learned Single Judge ought to have interdicted the process of election and the functioning of the Governing Body at least until the issues raised in the writ petition were resolved. A tenure of the Governing Body being for the period of one year, Mr. Mathur contends that the writ petition would itself become infructuous, if the appellant's position is not protected in the interim.

6. Having regard to the facts and circumstances of the case, we find no reason to entertain this appeal against the interim order dated 08.07.2020. By the Executive Council's Resolution No.68 dated 13-15.03.2020 of the University of Delhi, it appears that names of some of the nominees of GNCTD have been sent back by the University for reconsideration. That decision has been assailed by the appellant, as has the University's inaction upon the reiteration of the nomination. The merits of the petitioner's case will be adjudicated by

the writ court after completion of pleadings, as directed in paragraph 7 of the impugned order. In the meantime, the learned Single Judge has directed that the Governing Body would be permitted to take decisions required for the day to day activities of the College and the outcome of the election shall be subject to orders passed in the writ petition. Thus, there is a balance maintained by the learned Single Judge and in the event, the appellant succeeds in the writ petition, necessary orders can be passed to ensure that his candidature for any of the offices to which elections are proposed to be held is not foreclosed. The writ petition is otherwise also adjourned on 21.08.2020 for hearing.

7. In view of these facts, there is no substance in this Letters Patent Appeal and the same is dismissed. However, the parties are at liberty to request the learned Single Judge for advancement of the date of hearing of the writ petition, which may be considered by the learned Single Judge, if convenient.

8. The pending application also stands disposed of accordingly.

CHIEF JUSTICE

PRATEEK JALAN, J

JULY 15, 2020

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