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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5540/2020 & CM APPL. 19962/2020 (stay)**

PROF. ARCHANA PRASADPetitioner
Through: Mr Yashraj Singh Deora and ms
Shivangi Sud, Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY & ORS. Respondents
Through: Ms Monika Arora, Standing Counsel
for JNU with Ms Ankita Shah,
Advocates.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **25.08.2020**

The hearing was conducted through video conferencing.

1. This petition impugns an office order no. 64/202 dated 31.07.2020, appointing Prof. D.N. Das/R-3 as the Chairperson of the School of Social Sciences. The petitioner contends that the said appointment is in contravention of the University's Statute i.e. the JNU Act, 1966, which stipulates appointment in terms of Clauses 18 (1) and 18(2)(c) (I). The said clauses reads as under:

"18...

1) The University shall have such Schools of Studies, Special Centres and Specialized Laboratories as may be specified in the Ordinances.

(2) (a).....

(b)...

(c) (I) Each Centre/Department shall have a Chairperson who shall be appointed by the Executive Council from amongst the Professors/Senior Fellows for a period of two years.

Provided that where in any Centre/Department, there is only

*one Professor/Senior Fellow, the Executive Council may also appoint one of the Associate Professors/Fellows as the Chairman of the Centre/Department.
(II)..."*

2. Professor D.N. Das/R-3 is not a Professor of the Centre for Informal Sector and Labour Studies. In other words, he is not eligible to be appointed in the position of Chairperson. His appointment should therefore be quashed.
3. However, Ms. Monika Arora, learned Standing Counsel for JNU, submits that: i) the process to appoint a Chairperson in terms of the statute i.e. by a person who meets the eligibility criteria, is underway and ii) a meeting of the Executive Council is scheduled to be held on 07.09.2020, where appointment of a regular Chairperson of the Centre will be considered and a person will be appointed in terms of the University's statute.
4. In the circumstances, it is clearly understood that Prof. D.N. Das, will hold the aforesaid post only to facilitate the meeting and that no substantive decision will be taken by him which could affect the functioning of the Centre, be it apropos the academic syllabus, faculty or personnel to be appointed/retained and/or the technology to be engaged, etc.
5. The petition, along with pending application, is disposed-off in terms of the above.
6. Should the petitioner be aggrieved by any decision of the University, it will be open to her to pursue her remedies as may be available in law.

7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 25, 2020/rd