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

+ **W.P.(C) 5624/2020 & CM APPL.20374/2020**

S.M. NAFEES

..... Petitioner

Through: Mr. Hemand Chaudhary, Advocate.
(M:9891384449)

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC. (M:9810788606)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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25.08.2020

1. This hearing has been held through video conferencing.
2. The Petitioner in the present case seeks a direction for removal of Respondent No.3 from the post of Member, National Commission for Minorities. The Petitioner had earlier filed another writ petition, being W.P.(C) 3702/2020, in which the following order was passed on 24th June, 2020:

“.....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 subsection (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.”

3. Subsequent to this order, the Petitioner has made a representation on 25th June, 2020 to the Ministry of Minority Affairs. However the same has not been decided. Hence the present writ petition.
4. Considering that the Petitioner was permitted to make a representation vide order dated 24th June 2020 and the same has already been made, this writ petition is disposed of with the direction that the said representation shall be considered and a speaking order be passed by Respondent No.1 within eight weeks from today.
5. Remedies of the Petitioner, if any, are left open in respect of the writ petition.
6. With these observations, the petition and all pending applications are disposed of. Needless to add, this Court has not examined the merits of the issues raised.

PRATHIBA M. SINGH, J.

AUGUST 25, 2020

dj/T