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

*Date of decision: 28<sup>th</sup> February, 2020*

+ W.P.(C) 12533/2019

ASHOK KUMAR JAIN AND ANR. .... Petitioners

Through: Mr. Misbahul Haque, Adv.

versus

NATIONAL LAW UNIVERSITY  
DELHI AND ORS.

..... Respondents

Through: Mr. Sanjay Vashishtha and Mr. S.D.  
Sharma, Advs. for respondent no. 1

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

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**28.02.2020**

**D.N. PATEL, CHIEF JUSTICE (ORAL)**

1. This so-called Public Interest Litigation (PIL) has been preferred with the following prayers:

*“1. To issue a Writ of Quo Warranto or the appropriate Writ directing the Respondent No. 2 to vacate the office of the Registrar, NLUD.*

*2. To issue a Writ of Quo Warranto or the appropriate Writ thereby quashing the illegal appointment of Respondent No. 2 as Professor w.e.f. 2011-12 & further regularised in November, 2013 at the NLUD.*

3. *To issue a Writ of Quo Warranto or the appropriate Writ directing the Respondent No.3 to show-cause by what authority he appointed Respondent No. 2 as the Professor and later the Registrar of NLUD;*
4. *To issue a Writ of Prohibition or the appropriate Writ directing the Respondent No. 4 to stop using the degree of LL.M. for any purpose whatsoever and in any manner howsoever from the date of issue of such writ;*
5. *To issue an appropriate Writ to cancel the admission of Respondent No.4 to 2019 Batch of the Ph.D degree course of the University.*
6. *To issue a Writ Mandamus directing the University to take disciplinary actions against the Respondent No. 2 and 3 for blatant abuse of powers;*
7. *To issue a Writ of Quo Warranto or the appropriate Writ thereby quashing the illegal appointment of Respondent No. 5 at the NLUD.*
8. *To issue a Writ of Mandamus directing the University to take admissions through an independent agency like that of the CLAT Consortium or any other independent agency, which this court deems fit; to rule out any manipulation in future and maintain transparency in the system;*
9. *To, impose such costs as the Respondent No. 2 might have gained by virtue of the Office to which he was illegally appointed on both the Respondent No. 2 and Respondent No. 3 since appointment in 2011, with retrospective effect;*

*10. To pass such other or further orders as this court may deem fit to meet the ends of justice and equity.”*

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that there are allegations of the petitioners upon respondent no. 2 that he does not possess the requisite qualifications for the post of Registrar. Counsel appearing for respondent no. 1 submits that a detailed counter affidavit has been filed, paragraph 9 whereof talks about the requisite qualifications for the post of Professor of Law because Registrar ought to possess the qualifications of Professor of Law.

3. For the ready reference, qualifications for the post of Professor of Law reads as under:

**“4.1.0 PROFESSOR**

*A. (i) An eminent scholar with Ph.D. qualification(s) in the concerned/allied/relevant discipline and published work of high quality, actively engaged in research with evidence of published work with a minimum of 10 publication as books and/or research/policy papers.*

*(ii) A minimum of ten years of teaching experience in university/college, and/or experience in research at the University/National Level Institutions/industries, including experience of guiding candidates for research at doctoral level.*

*(iii) Contribution to educational innovation, design of new curricula and courses, and technology — mediated teaching learning process*

*(iv) A minimum score as stipulated in the Academic, performance indicator (API) based performance-based*

*appraisal system (PBAS), set out in this Regulation in Appendix III.*

**OR**

*B. An outstanding professional, with established reputation in the relevant field, who has made significant contributions to the knowledge in the concerned/allied/relevant discipline, to be substantiated by credentials.”*

4. Looking to the aforesaid counter affidavit and in view of the public advertisement for the post of Professor of Law, it appears that respondent no. 2 was initially appointed as Professor of Law on *ad hoc* basis with effect from 12<sup>th</sup> November, 2013 and thereafter, as Registrar with effect from 26<sup>th</sup> August, 2014.

5. Looking to the qualifications, the respondent no. 2 is possessing the requisite qualifications for the post of Professor in Law for the respondent no. 1/University. Counsel appearing for the petitioners further submits that the prescribed procedure in the appointment of the Registrar is not properly followed by the respondent no. 1. He has also raised objection against the improper selection of the respondent no. 2. It is further submitted by the counsel for the petitioners that earlier, respondent no. 2 was removed from the National Law University, Bhopal. In a writ of *quo warranto*, if respondent no. 2 is found to have qualifications for the post of Professor of Law, the writ of *quo warranto* cannot be issued. An argument that respondent no. 2 ought not to have been selected, cannot be decided in Public Interest Litigation. In such eventuality, proceedings can be preferred in accordance with law before appropriate court.

6. Looking to the facts of the present case, it appears that respondent no. 2 is duly qualified for the appointment on the post of Professor of Law and subsequently, as Registrar.

7. In view of the affidavit filed by respondent no. 1 and also looking to the Annexures annexed therewith, it cannot be said that respondent no. 2 is not qualified for the aforesaid posts. On the contrary, respondent no. 2 is duly qualified for appointment on the posts of Professor in Law and Registrar. But counsel appearing for the petitioners contends that the appointments made by the respondent no. 2 are also illegal. For this allegation, the petitioners are always having a remedy to challenge the appointments before the appropriate forum, in accordance with law.

8. Hence, there is no substance in this writ petition. With these observations, this writ petition is hereby dismissed.

**CHIEF JUSTICE**

**C.HARI SHANKAR, J.**

**FEBRUARY 28, 2020**

*r.bararia*