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

+ **W.P.(C) 6946/2023 & CM APPL. 22473/2024**

INDRAPRASTHA COLLEGE OF WOMEN Petitioner

Through: Mr. Rajesh Gogna, CGSC with
Ms.Priya Singh & Mr.Sachin Verma,
Advocates

versus

HIMANI MALHOTRA AND ANR & ANR. Respondents

Through: Mr.Anandh Venkataramani,
Mr.J.Shivam Kumar, Mr.Rishit
Vimadalal and Ms.Pritha Banerjee,
Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
24.04.2024

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1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of petitioner seeking the following reliefs:-

"a) set aside / modify the order dated 4th May, 2023 passed by the Appeal Committee constituted under Clause 9 (1) of the Ordinance XII-A, University of Delhi Act, 1922 thereby directing the Petitioner College to restore the Subsistence Allowance of 75% to the Respondent No. 1 with effect from the date it was reduced till the final order of the Appeal Committee is pronounced.

b) Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case alongwith cost in favour of the Petitioner.

c) Award cost of the Petition to the Petitioner."



2. Learned counsel appearing on behalf of respondents submitted that during the pendency of the instant writ petition, the Appeal Committee has passed the final order which is challenged vide W.P.(C) 11093/2023 and is listed before this Court today as Item No.3 of the cause list. It is submitted that since the final order has already been passed by the Appeal Committee, nothing survives in the present petition for further adjudication. He has also referred to the prayer clause of the instant petition which categorically stated *"to restore the Subsistence Allowance of 75% to the Respondent No. 1 with effect from the date it was reduced till the final order of the Appeal Committee is pronounced."* Hence, in view of the aforementioned facts and submissions, it is prayed that the instant petition may be dismissed as rendered infructuous.

3. *Per contra*, Mr.Gogna, learned CGSC appearing on behalf of petitioner has taken other objections on the submissions made by learned counsel for the respondents, however, the same can be dealt with in Item No.3 of the cause list i.e. W.P.(C) 11093/2023. Mr.Gogna has fairly conceded to the fact that the final order has already been passed by the Appeal Committee.

4. Heard learned counsel for the parties and perused the record including the final order dated 22nd June, 2023 passed by the Appeal Committee. The relevant portion of the said final order is reproduced hereinbelow:-

"...17.6 Albeit, the Committee reiterates its decision passed on to the management of the College on 04.05.2023 to restore subsistence allowance @75% w.e.f. the date it was reduced till Ms. Himani Malhotra, Ex-Assistant Professor, Indraprastha College for Women is reinstated..."



5. Upon perusal of the final order passed by the Appeal Committee, specifically Paragraph 17.6, this Court does not find any cogent reason to keep the matter pending as nothing survives in the present petition for further adjudication.

6. In view of the above, the instant petition alongwith the pending application stands disposed of.

CHANDRA DHARI SINGH, J

APRIL 24, 2024

dy/da

[Click here to check corrigendum, if any](#)