



2024:DHC:4512



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

% Judgment delivered on: 27.05.2024

+ W.P.(C) 7757/2024 & CM APPL. 32157/2024
GEETA AGGARWAL Petitioner

versus

DELHI PHARMACEUTICAL SCIENCES AND RESEARCH
UNIVERSITY & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ankit Goel, Mr. Nikhil Sharma and Mr.
and Mr. Sahil Patel, Advocate.

For the Respondent: Mr. Mr. Yashvardhan, Ms. Smita Kant, Ms.
Kritika Nagpal and Mr. Gyanendra Shukla,
Advocate.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

JUSTICE TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 32158/2024 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7757/2024 & CM APPL. 32157/2024



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3. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“a. Issue a writ, order or direction in the nature of certiorari quashing the impugned show-cause notice dated 06.05.2024 (Annexure P-1) and all proceedings emanating therefrom, as being arbitrary, mala fide, and wholly without jurisdiction;

b. Issue a writ, order or direction in the nature of mandamus directing the respondents to afford adequate opportunity of hearing, including personal hearing and to desist from taking any hasty and precipitative action in the matter of removal of the Petitioner who has a blemishless record of discharge of her duties at the respondent-University;

c. Award costs of the petition;”

4. Learned counsel appearing for the petitioner submits that this Court in W.P.(C) 6946/2024 titled ‘*Dr. Harvinder Popli Vs. Delhi Pharmaceutical Sciences and Research University & Ors.*’ issued notice on identical challenge and had granted protection of 10 days from the date the order of the show cause notice issued is passed the Competent Authority.

5. Learned counsel submits that petitioner being a similarly situated employee be also granted the similar protection.

6. In the present petition, the petitioner has challenged the show cause notice dated 06.05.2024 annexed as Annexure P-1 at page 33 whereby the University had issued a show cause notice as to why the employment of the petitioner be not cancelled on the basis of the petitioner not having the requisite experience of required for the post



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of Professor in terms of Clause 21 of the First Statutes of the University.

7. The issue in the present writ petition appears to be already covered by this Court in the judgment dated 15.05.2024 titled ***Dr. Harvinder Popli (Supra)*** and ***W.P.(C) 7454/2024*** titled ***Dr. Shilpa Jain Vs. Govt. of NCT of Delhi And Ors.***

8. Keeping in view the fact that the petitioner has already submitted her reply on 15.05.2024 to the impugned show cause notice, without going into the merits of the matter, the following order is being passed.

9. The Competent Authority is directed to consider the reply filed by the petitioner before it, holistically taking into consideration that the petitioner was, in fact, employed by the University previously as also the fact that after having verified each and every document and testimonies the petitioner was confirmed in the year 2020. The Competent Authority shall afford an opportunity of personal hearing to the petitioner. The date, time and venue for the same shall be intimated well in advance to the petitioner.

10. The Competent Authority shall keep in mind the interplay of the words '*and / or*' as employed in the UGC Guidelines, 2018, while passing the order.

11. In view of the fact that the petitioner was in service of the respondent-University for a considerable period, it would be just and appropriate to grant protection of 10 days from any coercive action being taken against her, post the order to be passed by the Competent Authority, to enable the petitioner to take appropriate steps for



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redressal of her grievance.

12. In view of above, the petition along with pending application also stands disposed of.

13. It goes without saying that the contentions of the parties are kept open and reserved.

TUSHAR RAO GEDELA, J

MAY 27, 2024/ms