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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8583/2024, CM APPL. 35121/2024, CM APPL. 35122/2024**
DR. PRAMOD KUMAR GUPTA Petitioner

Through: Mr. Aproov Sarvaria, Ms. Yashika Sarvaria, Ms. Simran Chadha, Advs.

versus

INDIAN INSTITUTE OF FOREIGN TRADE & ANR.
..... Respondents
Through: Mr. Pavan Narang, Sr. Panel counsel, Mr. Himanshu Sethi, Ms. Aishwarya Chhabra, Advs. for R-2.
Mrs. Ginny J. Rautray, Mr. Ranvijay Singh, Advs. (VC) for IIFT.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

% **ORDER**
03.06.2024

1. The present writ petition has been filed under Article 226 of the Constitution of India with the following prayer:

“(a) Issue appropriate writ of certiorari to quash the impugned Office Order dated 29.05.2024 of the Respondent no.1 annexed as Annexure-P1 to the present petition.

(b) Issue appropriate writ of certiorari to quash the impugned letter dated 29.05.2024 of the Respondent no.1 to the Petitioner annexed as Annexure-P2 to the present petition.

(c) Issue appropriate writ of mandamus directing the Respondents to treat the issue of irregularity in appointment of Petitioner as closed in view of the minutes of meeting



dated 13.02.2017 of the Board of Management of the Respondent no.1 and the appointment of the Petitioner be declared valid;

(d) Direct the Respondents to follow the principles of natural justice before taking any administrative decision qua the Petitioner on the issues raised in the present petition and otherwise; and

(e) Pass any other order as it deems fit, in the interest of justice.”

2. Learned counsel for the petitioner, vide communication dated 29.05.2024 informed that upon examination of documents available on record it prima facie appears that the petitioner was not meeting the eligibility conditions at the time of appointment in 2014.
3. Learned counsel for the petitioner submits that this issued has already been considered by the respondent No.1 in its 37th meeting of the Board of Management held on 13.02.2017 and it was inter alia held that the petitioner was consciously shortlisted and selected by the appropriate competent authorities of IIFT/Selection Committee and no new fact at this stage has emerged that was not known at the time of selection. It was further inter alia observed that the recommendation of Selection Committee were duly considered and approved by the Board of Management in its meeting held on 19.09.2014. Learned counsel submits that after elaborate deliberations on the agenda items, the Board opined that there was no reason to reopen the case regarding appointment of Registrar, IIFT and the matter, therefore was closed. Learned counsel for the petitioner has also submitted that subsequent to the 37th meeting of the Board of Management held on 13.02.2017, the



petitioner was shortlisted.

4. Learned counsel submits that despite the fact that no new facts have emerged the respondents have issued two impugned orders without any basis.
5. Learned counsel submits that the petitioner has also been illegally divested from the responsibilities of Registrar and was instructed to leave with immediate effect.
6. Issue notice.
7. Learned counsel appearing on behalf of the respondents has accepted the notice. Learned counsel for respondent No.2 submits that that present enquiry has actually been initiated by respondent No.1 on the basis of communication of respondent No.2 dated 18.05.2024.
8. After some arguments, learned counsel for the petitioner submits that the present writ petition may be treated as representation by the respondents and they may be directed to decide the same in accordance with the law within a time bound manner.
9. Let the present writ petition be treated as representation by the respondents. The respondents are directed to decide the representation in accordance with law after giving an opportunity to the petitioner to be heard within four weeks.
10. In view of the above, the present writ petition stands disposed of.

DINESH KUMAR SHARMA, J
(VACATION JUDGE)

JUNE 3, 2024/AR..