



\$~98

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

+ **W.P.(C) 9556/2024**

RISHIT GUPTA & ORS.

.....Petitioners

Through: Mr. Sanjay Ghose, Senior Advocate
alongwith Mr. Firoz Iqbal Khan, Mr.
Rohan Mandal, Mr. Mohit Garg, Mr.
Amaan and Mr. Sameer, Advocates

versus

INDRAPRASTHA INSTITUTE OF TECHNOLOGY DELHI & ANR.

.....Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Yash Upadhyay and Mr.
Siddhant Dutt, Advocates for
respondent No.2
Mr. Mohinder J.S. Rupal and Mr.
Hardik Rupal, Advocates for
University of Delhi

CORAM:

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR
KAURAV**

ORDER

%

15.07.2024

CM APPL 39186/2024 (Exemption)

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 9556/2024 & CM APPL 39185/2024

1. Heard learned Senior Counsel appearing on behalf of the petitioners.
2. Issue notice.
3. Mr. Arjun Mitra, learned counsel accepts notice on behalf of respondent No.1.
4. Since the nature of controversy involved in the instant writ petition



does not require the respondents to file counter affidavit, therefore, with the consent of learned counsel appearing on behalf of the parties the matter is heard for final disposal.

5. The solitary grievance raised by the petitioners is with respect to allowing them to participate in the internship process which is likely to commence from tomorrow or day after.

6. Learned Senior Counsel for the petitioners submits that on account of unfortunate incident, disciplinary action has already been taken against them. He further submits that the said disciplinary action, however, is subject to scrutiny by the higher authorities and the same is under way. He, therefore, submits that since the petitioners have already been penalised to a great extent and in the interest of justice, if they be allowed to participate in the internship process without prejudice to any of the rights and contentions of the parties, the petitioners would be able to secure their future. He emphasises that the internship opportunity is available only on semester basis. He submits that once the petitioners lose this opportunity, their rights may be adversely effected in further semester. Eventually, the petitioners would be lagging behind with other students of their semester.

7. Mr. Mitra, learned counsel appearing on behalf of respondent No.1, on advance instructions, however, submits that the petitioners' matter is already *sub judice* before the Ombudsman. The Ombudsman is likely to take a decision within next two three days on petitioners' interim prayer. He, therefore, suggests that instead of passing any positive directions, the Court may leave it to the Ombudsman to pass necessary interim order considering the submissions made by the petitioner.

8. Having heard learned Senior Counsel appearing on behalf of the



petitioners, the Court finds that the internship process is undertaken on semester basis. If the petitioners lose the internship opportunity, their rights may be adversely affected.

9. The fact remains that whatever disciplinary action would be taken eventually will have to be abided by all concerned, including the petitioners. However, disallowing the petitioners to participate in the internship process may likely to prejudice their rights and in case the Ombudsman decides in their favour, the situation cannot be reverted back.

10. Taking into consideration the aforesaid circumstances and without prejudice to the rights and contentions of the parties, the instant petition stands disposed of alongwith pending application with the following directions:-

- a) Let the petitioners be allowed to undergo internship process, subject to further orders to be passed by the Ombudsman, if they are otherwise eligible on their merits.
- b) All rights, contentions and remedies are open.
- c) The Ombudsman shall take a decision strictly in accordance with law.

11. It be noted that bearing in mind the urgency of the matter, the Court has made the instant arrangement.

PURUSHAINDRA KUMAR KAURAV, J

JULY 15, 2024

p'ma