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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12563/2024 and CM APPL. 52233/2024
DR SAMI AHMAD KHANPetitioner
Through: Dr. Ashwani Bhardwaj and
Mr.Rakesh Sharma, Advocates.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY AND
ANR.Respondents
Through: Mr. Arpit Srivastava, Advocate for
Respondent No.1.
Mr. Vasanth Rajasekaran, Sr. Standing Counsel
with Mr. Harshvardhan Korada, Advocate for
Respondent No.2/JNU.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
09.09.2024

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1. This writ petition has been filed by the Petitioner seeking a direction to Respondent No.1 to treat the Petitioner as having resigned w.e.f. 25.12.2023 and restraining Respondent No. 1 to force the Petitioner to work as an employee of the said University.
2. Petitioner joined Respondent No. 1/Guru Gobind Singh Indraprastha University (GGIP) as Assistant Professor on 13.12.2016 and on completion of probation period, he was confirmed w.e.f. 13.12.2017 vide order dated 18.06.2019. Petitioner continued to work till 31.08.2021 diligently and dedicatedly. In June, 2021, Petitioner applied for study leave to attend a two year MSCA Actions Fellowship in Science Fiction in the University of Oslo, Norway between September, 2021 to August, 2023, however, leave was



denied to the Petitioner on 30.06.2021. Having no option, Petitioner submitted his resignation dated 11.07.2021, which was not accepted and at this stage, Respondent No. 1 granted study leave from 01.09.2021 to 31.08.2023 vide order dated 29.07.2021 and Petitioner withdrew the resignation letter. For some unknown reason, Respondent No. 1 converted the study leave to Extra Ordinary Leave (EOL) without pay on 31.08.2021 which the Petitioner did not contest and proceeded for the two year course.

3. It is averred in the petition that in August, 2023, Petitioner sought extension of EOL without pay on personal grounds for one more year but the request was rejected by Respondent No. 1 vide order dated 29.08.2023. On 25.09.2023, Petitioner wrote to Respondent No. 1 seeking extension of EOL at the same time also stating that if extension was not possible then the application be treated as letter of resignation. Despite several representations and reminders, Respondent No. 1 has not accepted the resignation till date and on the other hand is writing letters to Respondent No. 2/JNU where the Petitioner has in the meantime joined, only to spoil his future career.

4. Dr. Ashwani Bhardwaj, learned counsel for the Petitioner at this stage, on instructions, does not press the relief for a direction to Respondent No. 1 to accept the resignation but submits that a direction be issued to Respondent No.1 to at least consider his application for resignation as the same has been pending for a long time so that the future path of the Petitioner is clear and certain. It is urged that it is not open any employer to sit over a resignation application and it is the obligation of Respondent No. 1 to take a decision at the earliest. It is also urged that a direction be issued to Respondent No. 1 not to send communications to Respondent No. 2 as that is impacting his job with the said University.



5. Issue notice.
6. Mr. Arpit Srivastava, learned counsel accepts notice on behalf of Respondent No.1 and Mr. Vasanth Rajasekaran, learned Senior Standing Counsel accepts notice on behalf of Respondent No.2.
7. After hearing the learned counsels and without entering into the merits of this case, this writ petition is disposed of with a direction to Respondent No.1 to take a decision on the application for resignation given by the Petitioner on 25.09.2023, in accordance with law, within a period of four weeks from the date of receipt of this order. In case Respondent No. 1 decides in favour of the Petitioner, he will be relieved forthwith. In case, the decision is otherwise, a reasoned and speaking order shall be passed which shall be communicated to the Petitioner within one week of the decision and Petitioner will be at liberty to take recourse to legal remedies, in case of any surviving grievance.
8. Pending application also stands disposed of.

JYOTI SINGH, J

SEPTEMBER 9, 2024

B.S. Rohella/shivam