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

+ LPA 911/2024 & CM APPLs.52462-52463/2024

RAKHI SINGH

.....Appellant

Through: Mr.Sunil Dalal, Sr.Advocate with
Ms.Radha Singh, Mr.Nikhil Beniwal,
Mr.Navesh Bhati, Ms.Shipra Bali,
Mr.Akash Gupta, Mr.Mudabbera
Zaheen and Mr.Yashpriya Sakran,
Advocates.

versus

UNIVERSITY OF DELHI AND OTHERS

.....Respondents

Through: Mr.Mohinder J.S.Rupal, Advocate
with Mr.Hardik Rupal, Advocate for
R-1.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

13.09.2024

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1. Present letters patent appeal has been filed challenging the order dated 14th August, 2024 passed by a learned Single Judge of this Court in C.M. Appl. 46153-2024 in W.P.(C) 10862/2024, whereby the writ petition filed by the Appellant seeking a direction to the Respondent to remove the Appellant's name from the detention list and allow her to appear for backlog exams in alternative semester was dismissed on the ground that the representation made by the Appellant has been considered and decided by the dean and therefore the writ petition has become infructuous.
2. Learned counsel for the Appellant has drawn this Court's attention to prayer clause in the underlying writ petition to submit that the same had not become infructuous in view of the decision of the dean.



3. *Per contra*, learned counsel for Respondent No.1-Delhi University states that the initial writ petition being W.P.(C) 9569/2024 was disposed of by the learned Single Judge with a direction to the dean to decide the Appellant-Petitioner's application sympathetically. He states that the dean had decided the application/representation during the pendency of the second writ petition filed by the Appellant-Petitioner.

4. Having perused the papers, this Court finds that the Appellant-Petitioner in the underlying writ petition had sought various prayers, including removal of the Appellant-Petitioner's name from the detention list and for being promoted to semester V. Consequently, this Court is of the view that the underlying writ petition had not become infructuous by virtue of the decision of the dean dated 26th July, 2024.

5. This Court is further of the view that it was important for the learned Single Judge to decide the matter on merits as the dean had rejected the Appellant-Petitioner's representation on the ground that she had no power to condone the shortage of attendance.

6. Accordingly, the present appeal along with applications is allowed to the extent that the matter is remanded to the learned Single Judge for a fresh decision in accordance with law. List the matter before the learned Single Judge on 18th September, 2024. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 13, 2024

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