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

+ LPA 965/2024

SHABANA HUSSAIN

.....Appellant

Through: Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Mr. Anand Pandey,
Mr. Yogesh Dubey, Mr. Shubham
Tomar and Mr. Hemant Baisla,
Advocates.

versus

**UNIVERSITY OF DELHI THROUGH ITS
VICE-CHANCELLOR & ORS.**

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Ms. Aishwarya Malhotra,
Advocates.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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24.12.2024

CM APPL. 76481/2024

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

CM APPL. 76480/2024 (Direction)

3. The appellant has filed the present application in the above disposed of appeal, *inter alia*, praying as under:-

“A. It is therefore most respectfully prayed that this Hon'ble Court may be pleased to direct the Respondents to stay the elections for the Delhi University Students' Union Executive Committee for the academic year 2024-2025, until full compliance with the order dated 26th September 2024, passed by the Hon'ble High Court in LPA No. 965/2024.”



4. The appellant had filed a writ petition being W.P. (C) 1340/2024, *inter alia*, seeking the following reliefs:-

- “a. Issue appropriate writ/order/directions in the nature of mandamus directing Respondents to hold elections for students of the Department of Buddhist Studies, Faculty of Arts, University of Delhi in accordance with the Delhi University Student’s Union Constitution.
- b. Issue appropriate writ/order/directions in the nature of mandamus directing Respondents to extend the date for filing of nomination papers by the students to contest the Union election of the Department of Buddhist Studies, Faculty of Arts, University of Delhi.
- c. Issue appropriate writ/order/directions in the nature of mandamus directing Respondent No. 3 to provide the students with nomination papers to contest the Union elections.
- d. Issue appropriate writ/order/directions in the nature of mandamus directing Respondent No. 3 to make all the necessary arrangements required to conduct the student union elections.
- e. Issue appropriate writ/order/directions directing the Respondents to pay the cost of this petition to the petitioner
- f. Pass such other orders as may be deemed fit and proper in the facts of the present case.”

5. The said petition was dismissed by the learned Single Judge by an order dated 24.09.2024. The court had noted that the notification issued on 02.09.2024 indicated that the last date for receipt of the nomination papers was 17.09.2024 and the elections were scheduled to be conducted on 27.09.2024.

6. Since the appellant had moved the court after the said dates, the learned Single Judge declined to interfere in the election process. However the learned single Judge has not foreclosed any of the legal issues that were raised by the appellant.

7. The appellant had filed the above captioned appeal impugning the



said order. However, this court also declined to interfere with the election process and disposed of the appeal with the direction to respondent no.3 to treat the writ petition as a representation and decide the same by a reasoned order.

8. This court also clarified that all the rights and contention of the appellant were reserved. It is the applicant's grievance that the said representation has not been decided as yet. Whilst the applicant may have a legitimate grievance, it clearly does not warrant interdicting of elections, as prayed for in the present application. In any event, the relief as sought for in the present application, cannot be considered by way of an application in a disposed of appeal.

9. Mr. Rupal, learned counsel appearing for respondent no.3, submits that the presentation made by applicant was required to be considered in due course. He submits that in any event, the same was required to be considered in the light of elections to be held in future and not in the context of the present election. He states that the respondent no.3 will decide the representation within a period of three weeks from date.

10. He also submits that as far as the applicant in this case is concerned, she has not attended any class and thus is not a bona fide petitioner. This is disputed by the learned counsel for the applicant.

11. In view of the aforesaid, the application is dismissed.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 24, 2024

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Click here to check corrigendum, if any