



2024:DHC:8043-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 16.10.2024*

+ LPA 1019/2024

NATIONAL LAW UNIVERSITY, DELHIAppellant

Through: Mr. Sanjay Vashishtha, SC with
Ms. Vasudha Saini and Ms.
Harshita Rai, Advs.

versus

DHYEY BAKSHIRespondent

Through: Ms. Manini Brar, Ms. Srishti
Agarwal and Mr. Anupam
Pandey, Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J (ORAL)****CM APPL. 59775/2024 and CM APPL. 59776/2024**

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

LPA 1019/2024, CM APPL. 59774/2024

3. This appeal has been filed challenging the Order dated 01.10.2024 passed by the learned Single Judge of this Court in W.P.(C) 12436/2024 titled '*Dhyey Bakshi v. National Law University Delhi Through the Vice-Chancellor*', whereby the learned Single Judge, while relegating the respondent herein to the remedy of an appeal under Regulation 8(5) of the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees in Higher Educational Institutions) Regulations,



2015 read with Rule 8 of the National Law University, Delhi Policy on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (hereinafter referred to as 'NLUD Policy'), has kept the writ petition pending before it. The learned Single Judge has further directed as under:-

“19. As far as the ICC’s order, and any other interim orders sought by the parties, is concerned, the appellate authority may consider the parties’ request for interim relief. If the appellate authority comes to the conclusion that it does not have jurisdiction to consider interim relief, the parties are at liberty to file appropriate applications before this Court.”

4. The learned counsel for the appellant submits that having relegated the respondent to the remedy of an appeal, nothing survived in the writ petition and the same should have been disposed of with such liberty granted to the respondent. He further submits that the Impugned Order would lead to concurrent jurisdictions being exercised by the Appellate Authority as also by the learned Single Judge. He submits that refusal of the *interim* relief cannot be made a subject matter of consideration in the writ petition, which is pending before the learned Single Judge.

5. On the other hand, the learned counsel for the respondent, who appears on advance notice, challenges the very maintainability of the present appeal, by contending that this appeal has been filed under the authorisation of the Registrar of the appellant, who herself is a member of the Executive Council of the appellant, and therefore a part of the Appellate Authority under the NLUD Policy. She further



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submits that the Impugned Order requires no clarification as it is not a case of conferring concurrent jurisdiction on the Appellate Authority and this Court.

6. We have considered the submissions made by the learned counsels for the parties.

7. The learned Single Judge, having found that there are issues of lack of jurisdiction raised against the order impugned, while relegating the appellant to the remedy of an appeal, has kept the writ petition before it for considering the said issue in case need so arises. Therefore, it is not a case of exercising concurrent jurisdiction, as contended by the learned counsel for the appellant.

8. As far as the interim relief is concerned, in paragraph 19 of the Impugned Order, the learned Single Judge has clarified that it is only if the Appellate Authority is of the opinion that it lacks jurisdiction to pass any *interim* order, that the parties would be at liberty to file an appropriate application before the Court. By the said order, therefore, concurrent jurisdiction has not been created.

9. We, therefore, find no merit in the present appeal, the same is accordingly dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 16, 2024/ss/sk/SJ

Click here to check corrigendum, if any