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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14330/2024, CM APPL. 59987/2024 & CM APPL. 59988/2024
DR. RAM SAGARPetitioner

Through: Mr. Dibyanshu Pandey, Mr. Radhe Shyam Sharma, Mr. Nilesh Tiwari and Dr. Rajesh Mohan, Advocates

versus

UNIVERSITY GRANTS COMMISSION & ORSRespondent

Through: Mr. Parmanand Gaur, Standing Counsel for with Ms. Megha Gaur and Mr. Vibhav Mishra, Advocates R-1/UGC.
Ms. Monika Arora, CGSC with Mr. Shriram Tiwari, Mr. Subrodeep Saha and Ms. Radhika Kurdukar, Advocates for R-2 & 3/IOI and R-4 to 6/JNU.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **09.10.2024**

1. Present writ petition has been filed seeking a declaration that Regulations 8(4) and 8(5) of the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 ("UGC Regulations") and Rules 8(4) and 8(5) of the Rules and Procedures of the Internal Complaints Committee ("JNU ICC Rules") framed by respondent no.4/Jawaharlal Nehru University are *ultra vires* the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 ("the Act, 2013").

2. Learned counsel for the petitioner submits that section 18(2) of the



Act, 2013 provides limitation of ninety days for filing an appeal against the recommendations made by the ICC. He however states that the UGC regulations and JNU ICC Rules, which are framed pursuant to the UGC regulations, provide a period of only thirty days for filing an appeal. He thus contends that the UGC Regulations and JNU ICC Rules are *ultra vires* the Act, 2013.

3. Learned counsel for the respondent-Union of India, who appears on advance notice, submits that Section 18(2) is a default Section inasmuch as the extended period of limitation of ninety days would apply only if the service rules do not prescribe the limitation period for filing an appeal. In support of her submissions, she relies upon Section 18(1) of the Act, 2013.

4. At this stage, learned counsel for the petitioner states that the petitioner would be satisfied in the event the petitioner is granted extension of time to file an appeal.

5. Keeping in view the facts and circumstances of the present case, the time for filing the appeal is extended by fifteen days from today.

6. It is clarified that if the appeal is filed by the petitioner within fifteen days, the same shall not be dismissed on the ground of limitation or delay.

7. With the aforesaid directions, the writ petition stands disposed of. However, this Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

OCTOBER 9, 2024/१५