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

+ W.P.(C) 15538/2024

DR. BUDDHA SINGH

.....Petitioner

Through: Mr. Rajeev Saxena, Ms. Megha Saxena and Ms. Shreya Bhatnagar, Advocates.

versus

JNU AND ANR.

.....Respondents

Through: Mr. Vasanth Rajasekaran, Sr. Standing Counsel with Mr. Harshvardhan Korda, Advocate for JNU.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **07.11.2024**

CM APPL. 65258/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15538/2024 & CM APPL. 65257/2024 (for interim injunction)

1. The petition has been listed today in the supplementary list as the Roster Bench is not available.
2. I have heard learned counsel for the petitioner and learned counsel for the respondent- Jawaharlal Nehru University ["JNU"], who appears on advance notice.
3. The petitioner is an Assistant Professor [Computer Science] at the School of Computer and System Sciences, JNU. He was appointed as the warden of the Damodar-Single Room Dormitory on 03.08.2015. Thereafter, he was appointed as a warden at Periyar Hostel on 10.08.2023 and is in occupation of warden's accommodation of the Periyar Hostel



being Warden Flat No. 4. His term as warden of Periyar Hostel was extended, and has come to an end on 02.08.2024.

4. By a letter dated 09.09.2024, the University required him to hand over vacant possession of the warden flat. There has been some correspondence between the petitioner and the University administration since then, but he has not yet vacated the flat. On 15.10.2024, the Estate Officer of the University has issued notice to the petitioner under Section 4(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, against which he has approached this Court.

5. Learned counsel for the petitioner submits that the petitioner is willing to vacate the warden flat, but is entitled to an alternative accommodation in accordance with his seniority in the waiting list for faculty accommodation. It is contended that the petitioner's name appears at serial No. 36 in the said priority list, whereas two other faculty members, who are lower down in the priority list, have already been offered accommodation.

6. Learned counsel for the University, however, submits that the petitioner has opted for accommodation only in specified blocks where he remains on the waiting list, whereas the faculty members junior to him have been accommodated in other blocks where vacancies were available.

7. Having heard learned counsel for the parties, I am of the view that the petitioner's continued possession of accommodation which is earmarked for the warden of the hostel cannot be permitted. The new warden has been appointed, and the petitioner's request for alternative accommodation cannot hold up the new warden's access to the earmarked accommodation. The University's position that the administration of the



hostel and safeguarding of resident students, require the warden to be available on site, is unexceptionable.

8. However, in the course of hearing, learned counsel for the parties have arrived at a consensus, on the basis of which the petition can be disposed of in the following terms:

- a. The petitioner will vacate the flat presently occupied by him [Flat No. 4, Periyar Hostel, Jawaharlal Nehru University, New Delhi-110067] within a period of two weeks from today. He will file an undertaking before this Court to this effect within two days from today, and a copy of the undertaking will also be supplied to learned counsel for the respondent.
- b. Subject to filing of the aforesaid undertaking, the petitioner's possession of the said flat will not be disturbed until the period of two weeks has lapsed.
- c. The petitioner will approach the Deputy Registrar (Estate), tomorrow with regard to his request for allotment of accommodation. In the event any accommodation is available to which the petitioner is entitled in accordance with the priority list, he will be apprised of the same so that he can withdraw his existing application for allotment of accommodation, and avail of the available accommodation. The University is directed to take an expeditious decision on this aspect.

9. The petition, alongwith pending application, stands disposed of, with the aforesaid directions.

PRATEEK JALAN, J

NOVEMBER 7, 2024/MR/