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

+ W.P.(C) 1835/2025 & CM APPLs. 8832/2025, 8833/2025

DR S P GUPTA

.....Petitioner

Through: Mr. Kewal Kishan Saini,
Advocate.

versus

KIRORI MAL COLLEGE AND ORS

.....Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Subhrodeep Saha, Mr. Prabhat
Kumar & Ms. Anamika Thakur,
Advocates for R-1
Mr. Santosh Kumar, Mr. Devansh
Malhotra & Ms. Nidhi Rani,
Advocates. [M:-8527585997]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.05.2025

1. Further to the order dated 13.02.2025, Mr. Kewal Kishan Saini, learned counsel for the petitioner, Mr. Subhrodeep Saha, learned counsel for respondent Nos. 1 – College and Mr. Santosh Kumar, learned counsel for respondent No. 2 – University, agree that the petitioner's appeal against the order of the disciplinary authority dated 30.11.2017, may be placed before an arbitral committee constituted under Section 45 of the Delhi University Act, 1922. The said provision reads as follows:

“[45. Conditions of service of officers and teachers.— (1) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the Officer or



teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final.]”

2. Pursuant to this agreement, the Executive Council of the University, and the petitioner herein are permitted to nominate one member of the Arbitral Tribunal each within the period of four weeks.

3. The provision provides for an “Umpire” appointed by the Visitor of the University, who is the President of India. The appointment of an umpire, in the context of the Arbitration and Conciliation Act, 1996 [“the Act”], must be read as “Presiding Arbitrator”.

4. It is clearly understood that the nomination of the Presiding Arbitrator by the Visitor of the University amounts to two members of the Tribunal being appointed by the various organs of the University, and one member being appointed by the petitioner. Mr. Saini submits that the petitioner has no objection to such course of action, and will file a written waiver to the applicability of Section 12(5) of the Act, before the Arbitral Tribunal when it is constituted. After nomination of the arbitrator by the petitioner and the Executive Council of University, the University is directed to forward the matter to the Visitor for appointment of the Presiding Arbitrator in these terms.

5. The writ petition is disposed of with these directions. All pending applications also stand disposed of.

PRATEEK JALAN, J

MAY 7, 2025/“pv”/kb/