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

+ **W.P.(C) 3150/2025**

DR MAHABIR PRADAD YADAV

.....Petitioner

Through: Ms. Firdouse Qutb Wani, Mr. Md.
Zaryab Jamal Rizvi, Ms. Afreen
Saba, Advocates with petitioner.

versus

LAKSHMIBAI COLLEGE

.....Respondent

Through: Ms. Beenashaw N. Soni, Ms.
Mansi Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.03.2025

CM APPL. 14848/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3150/2025

1. The petitioner was serving as an Assistant Professor in the respondent – Lakshmibai College [“the College”]. He filed a petition under Article 226 of the Constitution [W.P.(C) 1298/2025], against an order of the College dated 30.01.2025, by which he was removed from the services of the College with retirement benefits.

2. The said writ petition was disposed of by order dated 19.02.2025, with liberty to the petitioner to file an appeal against the termination order, under Clause 9(1) of the Annexure to Ordinance XII, University of



Delhi [“Ordinance”]. The said provision reads as follows:

“9. (1) Any dispute arising in connection with the termination of the services of the teacher, except when on probation, by the Governing Body shall be referred to the arbitration of an Appeal Committee of three independent persons appointed by the Chancellor, who shall have power to inquire into all the facts of the case and to interpret the terms of this agreement, and their decision shall be final and binding on both parties. The Appeal Committee shall give its final decision within a reasonable time:

Provided that during the pendency of the appeal, the teacher shall continue to draw such salary or subsistence allowance, as the case may be, as he was drawing immediately prior to the termination of his/her services.

(2) The Indian Arbitration Act, 1940, shall apply to all arbitration under this Clause.”

3. The petitioner was also permitted to seek salary or subsistence allowance as permissible under the proviso to Clause 9(1) of the Ordinance.

4. In the present petition, it is stated that on the same day, i.e., 19.02.2025, the petitioner informed the respondent – College that he was in the process of filing an appeal and, therefore, requested that the disbursement of retirement benefits be kept in abeyance.

5. Pursuant to said order dated 19.02.2025, the petitioner has submitted an appeal to the Hon’ble Vice President of India, who is the Chancellor of the University, by an e-mail communication dated 20.02.2025. According to the petitioner, he also served a copy of the appeal upon the respondent – College on 20.02.2025.

6. The grievance of the petitioner is that, despite filing of the appeal, subsistence allowance has not yet been released to him in terms of the Proviso to Clause 9(1) of the Ordinance.

7. Ms. Beenashaw N. Soni, learned counsel for the respondent –



College, submits that the College has not yet been informed by the University with regard to pendency of the appeal. She submits that this may be because the petitioner has sent the appeal only to the e-mail address of the office of the Chancellor of the University, i.e, the Hon'ble Vice President of India, and not to the University's other administrative authorities. Ms. Soni also states that the Provident Fund dues of the petitioner, to the extent of Rs.12,32,624/-, have already been released to him on 21.02.2025.

8. It is clear from the proviso to Clause 9(1) of the Ordinance that, during the pendency of an appeal, a teacher who has been terminated is entitled to draw salary and subsistence allowance as he was receiving prior to termination. In the present case, it is undisputed that, prior to the petitioner's termination on 30.01.2025, he was drawing subsistence allowance of 75% of his salary.

9. The only contention of Ms. Soni is that, the College has not yet been informed of the pendency of the appeal, perhaps because the appeal has been sent only to the Chancellor's office. As far as this aspect is concerned, in a matter of subsistence allowance, the administrative authorities have to act expeditiously, so that the very purpose of such an allowance is not defeated. The statute itself provides for subsistence allowance to continue during the pendency of the appeal. Ms. Soni's submission that the College would need to verify with the University, with regard to the pendency of the appeal, can be met by directing the College to do so within a given time, so that the provision can be given full effect.

10. Having regard to Ms. Soni's submission that the appeal also ought



to have been addressed to the University authorities, in addition to the Chancellor's office, it may first be noted that the College has not responded to the petitioner's communication of 19.02.2025 and 20.02.2025 with such a direction. Be that as it may, Ms. Soni states that she will provide the e-mail address and physical address of the office to which a copy of the appeal should be submitted, to Ms. Firdouse Qutb Wani, learned counsel for the petitioner, during the course of the day. The petitioner is directed to ensure that a copy of the appeal is sent by e-mail and also delivered by hand to the concerned office within the next working day.

11. The College is also directed to verify with the University authorities and/or the Office of the Hon'ble Chancellor as to the pendency of the appeal. Having regard to the fact that the matter involves release of subsistence allowance, the concerned authorities are requested to respond expeditiously and no later than 24.03.2025.

12. Once the College is satisfied that the appeal remains pending, it will release the subsistence allowance for the months of February and March, 2025 to the petitioner within two weeks thereafter, and will continue to release the same on a monthly basis. This is subject to the petitioner returning the amount of Rs.12,32,624/- [which has already been remitted to his account by the College] to the College, prior to disbursement of the subsistence allowance in terms of this order. The College is directed to inform the petitioner when it is ready to disburse the first instalment of allowance, alongwith the manner in which he should return the aforesaid amount. The petitioner is directed to submit an undertaking to the Court, within one week from today to the effect that, he will return



the said amount in such manner and within such time as the College may direct. A copy of the undertaking be also furnished to Ms. Soni.

13. The writ petition is disposed of with the aforesaid directions.

PRATEEK JALAN, J

MARCH 12, 2025

“Bhupi”/SD/