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

+ W.P.(C) 4085/2025 and CM APPL.18970/2025 (Stay)

PROF SATISH CHANDRA GARKOTIPetitioner

Through: Mr. Mohan Kumar, Adv.

versus

JAWAHARLAL NEHRU UNIVERSITY & ANR.....Respondents

Through: Mr. Vasanth Rajasekaran (Sr.
Standing Counsel-JNU) along with
Mr. Harshvardhan Korada, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

01.04.2025

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1. The petitioner has filed the present petition being aggrieved by the impugned communication dated 02.01.2025 and impugned communication dated 12.03.2025. The petitioner is aggrieved by the aforesaid communications on account of being deprived from allocation of Type-VI residential accommodation despite being entitled to the same as per his salary slab in terms of the 'House Allotment Rules' issued by the respondent no.1.

2. The petitioner joined the Jawaharlal Nehru University as an Associate Professor on 25.10.2008 and thereafter was promoted to the post of Professor on 25.10.2014. On 17.10.2022, the petitioner came to be appointed as Rector-I (Pro Vice Chancellor) which is a position coterminous with the tenure of the Vice Chancellor. By virtue of the said appointment, the petitioner was allotted a Type-VI residential accommodation on priority basis. The petitioner took over possession of the said accommodation and the same is reflected in Office Order No. 37/2023 dated 05.06.2023. The



same reads as under –

“OFFICE ORDER NO. 37/2023

Professor S.C. Garkoti, Professor, Rector-I, JNU who has been allotted House No. 07/VI/DP on 07/11/2022 has taken over the possession of the said accommodation w.e.f. 02/06/2023.

(N.K. Dahiya)

Assistant Registrar (Estate)”

3. However, on 29.07.2024 the petitioner was relegated to the position of Rector-II, whereupon he resigned. The allotment of Type-VI residential accommodation to the petitioner, which took place on 05.06.2023, was in terms of Clause 8 of the House Allotment Rules which reads as under:-

“8 **OUT-OF TURN ALLOTMENT**

8.1 *The following essential categories shall be entitled to out-of-turn allotment subject to availability of residences:*

S.No	Essential Category	Entitlement	No. Of Quarters.
1	Rector	Type V/VI	1
2	Registrar		1
3	Finance Officer		1
4	Librarian		1
5	Coordinator (Evaluation)		1
6	Chief Project Engineer/ University Engineer		1
7	Senior Security Officer/ Security Officer	Type III/IV	1
8	P.S./ Secy. To Vice- Chancellor		1
9	Chief Medical Officer/ Medical Officer		1
10	Veterinary Officer		1
11	Staff Nurse	Type II/III	1
12	Drivers	Type I/II	2/3 rd of posts
13	Khalasi (water supply)	Type Zero/I	1

8.2 *The priority accommodation shall be given so long as the person holds, the essential post on the basis of which he was allotted accommodation. The priority accommodation will have to be surrendered as soon as a house of his entitlement is offered to him and in no circumstances shall be allowed to retain the house allotted to him*



under essential category.

8.3 *The Vice-Chancellor may, at his discretion, allot upto 10% of total available residences at any time in all types to the employees, both teaching and non –teaching.*

8.4 (1) *In the event of retirement of a University employee who is an allottee of a residence, his son, unmarried daughter or wife or husband, as the case may be, may be considered for allotment of a residence on the merits of each case:*

Provided that the said relation is a University employee eligible for allotment of residence and had been continuously residing with the retiring employee for at least three years immediately preceding the date of his retirement;

Provided further that this concession will not be applicable in cases where the retiring employee or any member of his family owns a house in Delhi/New Delhi or in its periphery.

(2) *The relation eligible for allotment of residence under the preceding sub-rule will be allotted residence one type below his own entitlement and in no case a higher type of residence than the one in occupation of the retiring employee.*

8.5 *If an employee fails to accept the allotment of a residence within 5 days from the date of receipt of letter or fails to take over possession within 10 days from the date of acceptance the offer stands cancelled and he will not be eligible for another allotment of that type of a period of one year from the date of issue of the offer and the employee shall be liable to pay licence fee in terms of rule 11.2."*

4. Pursuant to the petitioner ceasing to hold the post of Rector-1, the said accommodation was required to be surrendered by the petitioner in terms of Clause 8.2 of the House Allotment Rules. The said provision reads as under-

8.2 *The priority accommodation shall be given so long as the person holds, the essential post on the basis of which he was allotted accommodation. The priority accommodation will have to be surrendered as soon as a house of his entitlement is offered to him and in no circumstances shall be allowed to retain the house allotted to him under essential category.*

5. The latter part of the aforesaid clause makes it clear that under no circumstances the petitioner is allowed to retain the house allotted to him under essential category (under Clause 8.1). Pursuant to the petitioner being removed from the post of Rector-I and subsequent to his resignation from



the post of Rector-II, a Type-V accommodation was offered to the petitioner vide the impugned communication dated 02.01.2025. The same reads as under

ANNEXURE-P1 (COLLY) 21

 **जवाहरलाल नेहरू विश्वविद्यालय**
Jawaharlal Nehru University
Estate Branch/सम्पदा विभाग

F. No. H.No. 16/V/DP/HA/Estate/JNU/2025 Dated: 02/01/2025

✓ Prof. Satish Chandra Garkoti
SES,
Jawaharlal Nehru University,
New Delhi- 110067

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31/1/25

Sir,

I am directed to inform you that the Vice-Chancellor in terms of Clause 8.3 of the House Allotment Rules, has allotted you the following accommodation (in lieu of H.No. 07/VI/DP) under the Vice-Chancellor's discretionary quota:-

House No.:- 16
Type:- V
Location:- Dakshinapuram

In view of the above, it is requested to please take possession of above accommodation and contact the Estate branch at the earliest for the same. The above allotment shall be governed by the rules relating to allotment of residence of the University in force at the time of allotment.

Thanking you,

Yours faithfully,

गगनदीप सिंह/Gagandeep Singh
उप कुलसचिव (सम्पदा) Deputy Registrar (Estate)

6. The said accommodation was duly accepted by the petitioner as is evident from the letter dated 06.01.2025 (annexure P-5) which reads as under:-

“Date: 6.01.2025

The Registrar
Jawaharlal Nehru University.
New Delhi-110067



Subject: Request for Renovation Work in House No. 16

Dear Sir,

I am in receipt of your letter dated 02.01.2025 regarding the allotment of House No. 16, Type V, Dakshinapuram (in lieu of H. No. 07.VI/DP).

Following the allotment, I visited the house along with staff from the Estate Department. During the visit, it was observed that the condition of the toilets and kitchen is significantly deteriorated and requires comprehensive civil and electrical renovation. Additionally, the water pipes are installed over the walls posing potential safety risks.

While I accept the allotment of House No. 16, I kindly request that the necessary renovation work be completed before I take possession of the house to ensure it is safe and habitable.

I hope for your kind consideration and timely action on this matter enabling me to take possession at the earliest.

With warm regards,

(Prof. S C Garkoti)

*School of
Environmental
Sciences, JNU*

7. Thereafter, *vide* impugned communication dated 12.03.2025 the petitioner was informed to take possession of the residential accommodation allotted in terms of communication dated 02.01.2025. The communication dated 12.03.2025 reads as under:-

“Sir,

Please refer to letter no. Estate 16/V/DP dated 24.02.2025 wherein you were requested to take possession of newly allotted house no. 16/V/DP.

I am directed by competent authority to request you to vacate the present accommodation 07/VI/DP immediately and take the possession of House No. 16/V/DP please.”

8. After some hearing, learned counsel for the petitioner submits that the



petitioner is ready to accept the allotment of House No. 16 Type-V, Dakshinapuram (in lieu of H. No. 07.VI/DP) subject however, to appropriate renovation work being carried out inasmuch as the condition of the said accommodation is significantly deteriorated and requires a comprehensive civil and electrical renovation apart from upgradation of toilet/kitchen.

9. Further, it is pointed out that the water pipes in the said house are installed over the walls posing potential safety risks.

10. Learned counsel for the respondents submits that pursuant to communication dated 27.01.2025, the concerned Engineering Branch of the respondent no.1 has reported that no outstanding work remains to be done at the accommodation to be allocated to the petitioner. However, after some hearing, he accedes that the concerns highlighted by the petitioner as regards the present state of the aforesaid house offered to the petitioner shall be looked into, and the CPWD/ concerned contractor shall be requested to carry out any necessary renovation work to meet with the requirements of the petitioner and to ensure that the same is in an acceptable/habitable state. For this purpose, a joint inspection is directed to be conducted by the CPWD/ concerned contractor, along with the petitioner and a representative of the respondent/s.

11. During the said inspection the rectification/renovation work that is to be carried out shall be duly identified and the same shall be carried out by the CPWD/ concerned contractor in accordance with the applicable/extant rules. Let the same be done expeditiously.

12. Upon the renovation work being completed, the petitioner shall surrender his current accommodation and shall shift to the allotted Type-V accommodation.



13. With the aforesaid directions, the present petition is disposed of.

SACHIN DATTA, J

APRIL 1, 2025/uk