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

+ W.P.(C) 3734/2023

HASIN AHMAD & ORS.

.....Petitioners

Through: Ms. Rukhsana Choudhary,
Mr. Mohd. Wasiq Khan and Ms.
Shumaila, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Vardhman Kaushik, SPC for
UOI.
Mr. Siddhant Goel and Ms. Mompi
Dey, Legal Consultants, Ministry
of Minority Affairs.

+ W.P.(C) 6541/2023

ANSAR KHAN & ORS.

.....Petitioners

Through: Ms. Rukhsana Choudhary,
Mr. Mohd. Wasiq Khan and Ms.
Shumaila, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Vardhman Kaushik, SPC for
UOI.
Mr. Siddhant Goel and Ms. Mompi
Dey, Legal Consultants, Ministry
of Minority Affairs.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.07.2025



CM APPL. 41923/2025 (seeking vacation of interim order dated 24.03.2023) & W.P.(C) 3734/2023

W.P.(C) 6541/2023, CM APPLs. 25670/2023, 43241-42/2024 & 28062/2025

1. These two writ petitions have been filed by contractual employees of the Maulana Azad Education Foundation [“Foundation”], a society operating under the aegis of Ministry of Minority Affairs, Government of India [“Ministry”]. The petitioners principally seek directions for quashing their deemed termination, finalisation of recruitment rules for contractual employees, and regularisation in the services of the Foundation.
2. Interim relief was granted on 24.03.2023 in W.P.(C) 3734/2023 and on 17.05.2023 in W.P.(C) 6541/2023, restraining termination of the petitioners from the services of the Foundation. Applications for vacation of the said interim orders were filed by the respondents on 09.07.2025 and 11.06.2024, respectively. However, during the course of hearing, it appears that the writ petitions can be disposed of at this stage. The writ petitions are, therefore, taken on Board with the consent of learned counsel for the parties.
3. The petitioners were engaged on contractual basis with the Foundation. In the aforesaid applications filed by the respondents, however, it has been stated that the General Body of the Foundation, in a meeting held on 07.03.2024, has taken a decision to dissolve the Foundation, which is a society registered under the Societies Registration Act, 1860.
4. The relevant Resolution is as follows:



“Resolution:

Considering the outlined reasons the Members of General Body unanimously resolved to dissolve the Society as per the bye laws of the Society and as per the provisions of Societies Registration Act, 1860. This policy determination is anchored in a comprehensive and unequivocal commitment not merely to safeguard but to significantly enhance the socio-economic interests of the minority communities, in accordance with principles of equity and justice.”

[Emphasis supplied.]

5. By way of a further resolution, the Ministry of Minority Affairs, Government of India, was also requested to carry out the following activity to facilitate the closure proceedings.

“Agenda III:

Requesting Ministry of Minority Affairs:

- (i) to facilitate treatment of existing claims and liabilities of the Society,*
- (ii) to direct NMDFC to work as legal representative of the Society to contest/defend all the litigations, and*
- (iii) to appoint auditor for settling of liabilities and conduct forensic audit of MAEF on its behalf.*

Resolution: *The Members of General Body unanimously resolved to request the Ministry carry out the above listed activities for facilitating the closure procedure.”*

6. The financial liabilities of the Foundation were transferred to the National Minorities Development Finance Corporation [“NMDFC”], a government corporation under the same Ministry.

7. As far as the employees are concerned, the resolution contains the following provisions:

“Resolution: *The General Body further noted and agreed that all non-financial assets such as fixed assets including land in Alwar, Rajasthan will be transferred to Central Government.*

Further it was also resolved that permanent employees of MAEF may be offered Voluntary Retirement or alternatively, CWC, NMDFC may be asked to take them on their respective strength as per their requirement.

In regard to contractual employees, it was resolved that they may be discontinued as per the rule subject to the outcome of the Court case filed by the contractual employees of MAEF before



the Hon'ble Delhi High Court.”

[Emphasis supplied.]

8. The petitioners have not challenged the aforesaid resolution. However, it was challenged by way of a Public Interest Litigation in *Dr. Syeda Saiyidain Hamedra & Ors. v. Union of India & Ors.* [W.P.(C) 3462/2024; decided on 16.04.2024]. The said petition was dismissed by the Division Bench of this Court. The judgment has been challenged before the Supreme Court in SLP (C) No. 16641/2024. It is, however, the accepted position that there is no interim order passed by the Supreme Court.

9. As the petitioners' claim is for regularisation in the services of the Foundation, once the Foundation has been dissolved, and the dissolution has been upheld by the Division Bench, I am of the view that such a relief no longer survives.

10. Ms. Rukhsana Choudhary, learned counsel for the petitioners, submits that several activities of the Foundation have been transferred to the Ministry, and that some of the petitioners herein have also been asked to report to the Ministry. In the circumstances noted above, the most appropriate course is to permit the petitioners to approach the Ministry for suitable arrangements to be made in respect of their employment. The Ministry may take an appropriate decision, having regard to all the facts and circumstances of the case.

11. As noted above, the petitioners have not, in their individual capacity, challenged the dissolution of the Foundation. At the request of Ms. Choudhary, their right to do so is kept open.

12. It is also made clear that, in the event the challenge to the



dissolution succeeds, whether in an independent proceedings instituted by the petitioners, or in the pending matter before the Supreme Court, the petitioners will be at liberty to initiate fresh proceedings at that stage.

13. Mr. Vardhman Kaushik, learned Senior Panel Counsel for the Union of India, submits that although the Foundation stands dissolved, the Ministry has continued to make payments to the petitioners in compliance with the interim orders passed by this Court. Considering the length of service rendered by the petitioners, and with a view to afford them some breathing room, the Ministry is directed to continue to release the emoluments last drawn by them for a further period of three months, i.e. until 31.10.2025.

14. The writ petitions are disposed of in these terms.

15. Next date of hearing, i.e. 22.09.2025, stands cancelled.

PRATEEK JALAN, J

JULY 28, 2025

UK/sd/