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

+ **W.P.(C) 8294/2024, CM APPLs. 34043/2024 & 61457/2024**

JITENDER

.....Petitioner

Through: **Mr. Raghvendra Mohan Bajaj &
Mr. Shagun Agarwal, Advocate
alongwith Petitioner in Person.**

versus

**SHAHEED BHAGAT SINGH
COLLEGE & ANR.**

.....Respondents

Through: **Mr. Himanshu Mahajan, Advocate
for R-1.
Mr. Mohinder Rupal, Mr. Hardik
Rupal & Ms. Aishwarya Malhotra,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.02.2025

1. By an order dated 24.01.2025, it was recorded as follows:-

“CONT.CAS(C) 1/2025

1. *Mr. Himanshu Mahajan, learned counsel, has entered appearance on behalf of respondent No. 1.*

2. *Replies to the petition may be filed within two weeks from today. Rejoinders thereto, if any, may be filed within one week thereafter.*

3. *List on 24.02.2025.*

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4. *The petitioner has challenged a charge-sheet dated 05.01.2024, and also seeks revocation of suspension dated 14.03.2023. The grievances of the petitioner relate to the procedure of the inquiry committee and its constitution.*

5. *It is the admitted position that, during the pendency of the writ petition, the inquiry proceedings have culminated in an inquiry report*



dated 30.09.2024, which was submitted to the Disciplinary Authority. By an order dated 19.10.2024, the Disciplinary Authority has imposed the punishment of 'dismissal from service' upon the petitioner. Against the order dated 19.10.2024, the petitioner has filed an appeal before respondent No. 2-University.

6. In these circumstances, ordinarily, I would have disposed of writ petition, leaving it open to the petitioner to take the grounds therein in appeal against the final order of the disciplinary authority. However, a complication has arisen because Mr. Himanshu Mahajan, learned counsel for respondent No. 1-College, submits that the appeal ought to be filed before the Governing Body of the respondent No.1-College itself. For this purpose, he draws my attention to Rule 64 (iii)(b) of the University Non-Teaching Employees (Terms & Conditions of Service) Rules, 2013 ["Rules"]. The petitioner is part of the Group B staff of the College, for whom the Rule appears to provide that both the Disciplinary Authority and the Appellate Authority are the Governing Body of College. In fact, in Rule 64(b), the Governing Body has been constituted as the Disciplinary Authority and the Appellate Authority in respect of all classes of employees of the constituent/affiliated Colleges of the University.

7. In the present case, it is clear from the order dated 19.10.2024, that the decision to take disciplinary action against the petitioner has been made by the Governing Body itself. An appeal to the governing body would therefore prima facie be untenable.

8. Learned counsel for the College and the University are directed to take instructions, and apprise the Court with regard to proper interpretation and application of the Rule.

9. Affidavits be filed by the College and the University within two weeks.

10. List on 24.02.2025 in the category of "for admission" matters."

2. The College and the University have both relied upon Rule 64 (iii) (b) of the University Non-Teaching Employees (Terms & Conditions of Service) Rules, 2013, to submit that the Governing Body of the College has been constituted, both as the Disciplinary Authority and the Appellate Authority in respect of non-teaching employees of constituent colleges of the University.
3. I have expressed the *prima facie* view in the said order that this



position is untenable. However, it is not necessary to enter into the controversy at this stage, as Mr. Raghvendra Mohan Bajaj, learned counsel for the petitioner, submits upon instructions that the petitioner has already filed an appeal before the Governing Body, and would be satisfied, if the same is considered in a time-bound manner. He submits that the rights and contentions of the parties, including on the *vires* of such a rule, be left open for adjudication, if the need arises.

4. The writ petition is therefore disposed of in terms of the aforesaid statement, reserving the rights and contentions of the parties on the *vires* of the aforesaid Rules, and also on merits, open for adjudication in future proceedings.

5. It is expected that the Governing Body will revisit the issue with an open mind, consistent with the provision of an appellate mechanism in the aforesaid Rules. The final decision of the Governing Body be communicated to the petitioner as expeditiously as possible, and not later than six weeks from today.

6. The writ petition, alongwith pending application, is disposed of in these terms.

PRATEEK JALAN, J

FEBRUARY 24, 2025

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