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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11876/2023 & CM APPLs. 11876/2023 & 47415/2023**
OM PRAKASH SHUKLAPetitioner

Through: Ms. Malvika Trivedi, Sr. Adv. With
Mr. Vivek Kumar Tandon, Mr.
Shailender Slaria, Mr. Vipin
Bhardwaj and Ms. Sujal Gupta, Advs.

versus

**DELHI PHARMACEUTICAL SCIENCES AND RESEARCH
UNIVERSITY & ORS.**Respondents

Through: Ms. Zubeda Begum, Mr. Ayush
Gandhi and Mr. Zubin Sengh, Advs.
for R-1 and 3.
Ms. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar
Singh, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advs. for R-2 and
4.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER
29.10.2025

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1. This petition is filed seeking quashing of order dated 31.08.2023 and directions to the respondents to desist from giving effect to the impugned order.
2. The brief facts are that the petitioner came on deputation from Department of Training and Technical Education, Government of N.C.T. Delhi and was appointed as Registrar of Delhi Pharmaceutical Sciences and Research University (*hereinafter referred to as 'respondent no. 1'*). The



petitioner was appointed on 26.12.2019 and the period of appointment was initially for three years, extendable for another two years on deputation basis. The petitioner joined on 01.09.2020 and continued till 31.08.2023. On 31.08.2023, the impugned order relieving the petitioner was passed by the Incharge Establishment and Assistant Registrar. Aggrieved of the relieving order and non-extension of the term, the present writ petition was filed in the first week of September, 2023. During the pendency of petition, on 10.11.2023 the petitioner availed statutory remedy of appeal challenging the order dated 31.08.2023. The Board of Governors - the appellate authority in the meeting convened on 20.03.2024 held that the appeal is not maintainable in view of pendency of the present writ petition.

3. Learned counsel for the petitioner argues that the term of appointment to the post of the Registrar of the petitioner was five years and the impugned order passed relieving the petitioner is without jurisdiction, not in accordance with the Delhi Pharmaceutical Sciences and Research University Act, 2008 and is contrary to the reports of the Board. The contention is that the petitioner has been left remediless by dismissal of the appeal being non-maintainable.

4. Learned counsel for the respondent contends that with the passage of time, the relief claimed has been rendered infructuous as the term of five years has also expired.

5. Learned counsel for the petitioner, at this stage, submits that in the eventuality of the petitioner succeeding in challenge to the impugned order, certain benefits including the monetary benefit would accrue.

6. The challenge in the writ petition is to order dated 31.08.2023 against which the petitioner has a statutory remedy of appeal and had availed it. In



such circumstances, no extraordinary case is made out for interference in writ jurisdiction. In other words, the petitioner cannot be permitted to sail in two boats simultaneously.

7. The appellate authority held the appeal to be non-maintainable in view of the pendency of the writ petition. Since the writ jurisdiction is not being exercised for interference in the impugned order, the order of the appellate authority passed in meeting held on 20.03.2024 is set- aside with the directions to decide the appeal on merits in accordance with law.

8. It would be relevant to note that the appellate authority erred in making observations on the merits of the case after holding the appeal to be non-maintainable. The appellate authority shall decide the appeal in accordance with law without being influenced by the observations made in order passed in the meeting held on 20.03.2024.

9. The writ petition is allowed.

AVNEESH JHINGAN, J

OCTOBER 29, 2025/Pa