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

+ W.P.(C) 9661/2019, CM APPL. 39901/2019 & 11465/2021

MUKESH KUMAR SHARMA

.....Petitioner

Through: Mr. Sanjay Kumar Visen, Mr.
Parth Sarathi, Mr. Gyanendra
Vikram Singh and Mr. Prashant
Sharma, Advocates.

versus

GOVT OF NCT OF DELHI & ORS

.....Respondents

Through: Ms. Avnish Ahlawat, SC for
GNCTD with Mr. Nitesh Kumar
Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advocates.
Ms. Mehak Nakra, ASC GNCTD
with Ms. Bhavya Nakra, Mr.
Aditya Goyal and Ms. Gunjan
Suyal, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.02.2025

1. The petitioner, who is working as a Reader/Associate Professor in respondent No.2 – Institution, has filed this petition under Article 226 of the Constitution, against Memorandum of Charges dated 28.08.2019 and 03.01.2020, issued against him.

2. By an order dated 04.09.2019, it was directed that departmental inquiry may continue, but the final report shall not be given by the Inquiry Officer. As far as the second chargesheet is concerned, a similar order was passed on 22.03.2021.

3. In the course of hearing, Mr. Sanjay Kumar Visen, learned counsel for the petitioner, submits that as this petition was preferred at the stage

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of chargesheet, the petitioner will reserve his right to take all available arguments before the Disciplinary Authority and/or the Appellate Authority, in the event the disciplinary order is against him.

4. Mr. Visen submits that at the stage of filing of the writ petition, the petitioner had taken grounds of bias and *mala-fides* against respondent No.3, who was then the Director-Principal (In-charge) of the Institute, but during the pendency of the petition, a new Director-Principal (In-charge) has been appointed. He submits that the inquiry report prepared by the Inquiry Officer may be placed before the present Disciplinary Authority for further action in accordance with law.

5. It is also contended that criminal proceedings, which were instituted by the respondents on the same cause of action, have culminated in orders in favour of the petitioner. The protest petition, filed by the complainant, was also rejected. The petitioner may bring these factors to the notice of the Disciplinary Authority, and the Disciplinary Authority may take an appropriate decision in accordance with law.

6. Learned counsel for the respondents have no objection to disposal of the writ petition in these terms.

7. Having regard to the above, the writ petition stands disposed of, with liberty in the aforesaid terms. It is made clear that the inquiry report will be submitted to the present Disciplinary Authority, who will take action thereafter in accordance with law.

PRATEEK JALAN, J

FEBRUARY 10, 2025
SS/kb/