



\$~3

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

+ **W.P.(C) 13184/2025 & CM APPL. 54059/2025**

KANTA KAPOOR

.....Petitioner

Through: **Mr. Rishabh Sharma & Ms. Indu Sharma, Advocates.**

versus

**GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY & ANR.**

.....Respondents

Through: **Mr. Jasbir Bidhuri, Advocate.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **03.09.2025**

1. By way of the present petition under Article 226 of the Constitution, the petitioner seeks the following relief:-

“a. Issue a writ of certiorari Calling for the record of the case and peruse the same;

b. Issue a writ of certiorari thereby quashing the impugned orders dated 27.01.2025 and 03.04.2025 [Annexure P-1(Colly)] whereby the respondents have created and raised a demand of Rs. 13,01,857/- against the petitioner as recoverable from the petitioner and directed the petitioner to deposit the said amount within 15 days of the receipt of the order failing which the said amount has been directed to be recovered from her dues on account of leave encashment and CPF balance.

c. Issue a writ of mandamus thereby directing the respondents to grant retiral benefits to the tune of Rs. 17,22,625/- alongwith an interest of 8% thereupon till the actual payment from the date of acceptance of voluntary retirement dated 10.06.2016, to the petitioner in accordance to the Annexure P-24 as prayed by the Petitioner in her various representations;

d. Cost of this petition be awarded in favour of the Petitioner and against the Respondents No.1 and 2.”



2. The writ petition was first listed on 29.08.2025, when Mr. Jasbir Bidhuri, learned counsel for the respondents, was granted time to take instructions. He has handed over a compilation of documents, including correspondence between the parties *inter se*. The documents are taken on record, with the consent of Mr. Rishabh Sharma, learned counsel for the petitioner.

3. I have heard Mr. Sharma and Mr. Bidhuri.

4. The petitioner was employed as an Assistant Librarian with respondent No. 1 – Guru Gobind Singh Indraprastha University [“the University”] in the year 1999. She was promoted to the post of Deputy Librarian in the year 2007.

5. It is stated in the writ petition that, in the year 2012, the petitioner applied for study leave to pursue a Graduate Diploma of Advanced Study in Information Studies in Canada. Although her application for study leave was rejected, she was granted earned leave [“EL”]/extraordinary leave [“EOL”] for the period from 03.09.2012 to 31.08.2014. The documents produced by the University include an Office Order dated 18.04.2013, by which she was granted EOL for the period from 17.03.2013 to 31.08.2014, in continuation of her sanctioned EL for the period from 03.09.2012 to 16.03.2013. The order reads as follows:

*“In continuation of University Order of even number dated 03.09.2012 and consequent upon approval of the Board of Management, Guru Gobind Singh Indraprastha University in its 53rd meeting held on dt 15.03.2013, **as a very special case**, the Competent Authority, GGSIPU has approved 18 months EOL (without pay) w.e.f. 17.03.13 to 31.08.2014 to Dr. Kanta Kapoor, Dy. Librarian, UIRC, GGSIPU for pursuing/ complete her course, i.e., Graduate Diploma of Advanced Study in information Studies (DAIS) programme in Toronto University in continuation of sanctioned E.L. 03.09.12 to 16.03.2013 (195 days), **subject to the condition that after completing her study, she has to***



join back the University and serve the University as per the rule, failing which appropriate action shall be taken by the University.”

[Emphasis supplied.]

6. The petitioner however remained resident in Canada even thereafter, and proceeded on Child Care Leave [“CCL”] from 01.09.2014 to 31.08.2015.

7. The petitioner requested for an extension of CCL on 24.08.2015, and sent a reminder on 10.11.2015. By a communication dated 12.11.2015, the petitioner was asked to inform the University about the status of the course for which she had been granted EOL. Although the petitioner’s response is not available, the University has placed on record, a document dated 19.01.2016, which refers to her response dated 18.11.2015. By this communication, the University informed the petitioner that her request for extension of CCL was not granted, and that she must resume her duties for further consideration of her application for CCL. She was, therefore, directed to resume her duties immediately.

8. While the aforesaid documents of November 2015 and January 2016 have not been annexed to the writ petition, the petitioner has annexed her reminder dated 25.01.2016, in which she referred to her children’s school year, and sought extension of CCL till 30.05.2016.

9. It is the petitioner’s case that she was informed on 04.03.2016 that her request had been rejected, and she was therefore directed to join duties immediately, failing which she would be liable for disciplinary action.

10. The petitioner made a representation dated 21.03.2016 against the rejection and stated that she was unable to resume her duties before



01.06.2016, as she had enrolled her children in school in Canada. She, therefore, resigned from the post of Deputy Librarian at the University.

11. The petitioner's resignation was accepted by a communication dated 10.06.2016, which stated that she was relieved with effect from 01.09.2015. It was further stated that she would not be entitled to pension, gratuity, or terminal benefits due to quitting service on resignation, but would be paid cash equivalent to the extent of half of the ELs on cessation of service, subject to a maximum of 150 days.

12. The petitioner has since been in correspondence with the University with regard to payment of her dues. The University admits that an amount of ₹17,22,625/- is payable to the petitioner, but seeks to deduct a sum of ₹13,01,857/-, which was paid to her as excess salary for period from 01.09.2015 to 30.09.2016.

13. The fact that the petitioner was paid salary until 30.09.2016, despite the University having accepted her resignation w.e.f. 01.09.2015, is not disputed. However, it is the petitioner's case that the aforesaid deduction is illegal and arbitrary, inasmuch as the petitioner was willing to rejoin the University after expiry of her CCL, and that the amount paid to her until 30.09.2016 was not received by her volition, but because of an administrative lapse on the part of the University itself.

14. The undisputed facts which emerge from the above narration are that the petitioner discharged her duties at the University from 1999 to 2012. She thereafter proceeded to Canada to pursue further studies, and was granted EL/EOL for this purpose. The University's communication dated 18.04.2013, by which EOL was granted to the petitioner, records that it was being granted "*as a very special case*" and was subject to the



condition that she would rejoin the University upon completion of her studies. Contrary to this stipulation, she never rejoined the University at that stage, as she was granted one year of CCL, which expired on 31.08.2015. Although her request for an extension of CCL was not accepted, in fact, she did not join the University, at any stage. The petitioner's request for extension of CCL was rejected on 19.01.2016 and 04.03.2016, with the direction that she rejoin her duties, but she chose to submit her resignation. The University accepted her resignation by a communication dated 10.06.2016, with effect from 01.09.2015.

15. It is now submitted by Mr. Sharma that the petitioner's resignation ought not to have been accepted from 01.09.2015, as she was entitled to further CCL. I am unable to accept this contention. If the petitioner was aggrieved by the denial of the extension, she could have challenged the University's decision at that stage. With the denial of her request for extended CCL, which was unchallenged, the petitioner was duty bound to rejoin service upon completion of her sanctioned leave. Instead, she chose to resign, which the University accepted, effective from 01.09.2015, being the date on which her sanctioned leave lapsed.

16. The above analysis would have entitled the petitioner to payment of her salary only until 31.08.2015. However, for reasons which are not apparent, she continued to receive her salary until 30.09.2016. It may be noted, however, that there is no record to show that the petitioner informed the University, at any stage, with regard to the continued receipt of salary well after her resignation had been accepted.

17. Be that as it may, the question now is as to the appropriate resolution of the grievance regarding the petitioner's dues. The University



has itself computed the amount due to the petitioner at Rs.17,22,625/-, but seeks to make a deduction for the excess salary received by her from 01.09.2015 onwards. While the conduct of the petitioner, as aforesaid, does not make out a favourable case, in law or equity, I find that the University did not communicate its rejection of her application for extension of CCL until 19.01.2016. Even by the said communication, she could have resumed her duties at that stage.

18. In the totality of facts noted above, I am of the view that the amount of salary paid to the petitioner up to 19.01.2016 may not be recovered at this stage. However, she had no right to the salary paid to her thereafter, and the University is entitled to recover the same from the amount due to her.

19. The University is directed to recompute the recoverable amount, in accordance with the above, and pay the balance amount to the petitioner within two months from today.

20. The writ petition, alongwith the pending application, is disposed of in terms of the aforesaid.

PRATEEK JALAN, J

SEPTEMBER 3, 2025

‘pv/KA’/