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

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Date of decision: 24.11.2025

+ W.P.(C) 17765/2025, CM APPL. 73410/2025 & CM APPL. 73411/2025

DEEPAK GUPTA

.....Petitioner

Through: Mr. Amit D, Mr. Sherhpal Singh, Mr. Anikit Kumar, Advs.

versus

KIRORI MAL COLLEGE & ORS.

.....Respondents

Through:

Dr. Monika Arora, Mr. Subhrodeep Soha, Mr. Prabhat Kumar, Ms. Anamika Thakur and Mr. Abhinav Verma, Advs. for R-1.

Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra and Ms. Tripta Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

AVNEESH JHINGAN, J. (ORAL)

1. This petition is filed seeking quashing of chargesheet dated 13.11.2025.
2. The brief facts are that on 11.03.2003, the petitioner was appointed as Junior Assistant with respondent on compassionate ground. On receipt of a complaint in 2021 from the hostel warden, a fact-finding committee was constituted and the report of the



committee was in favour of the petitioner.

2.1 On 18.06.2024, chargesheet was served upon the petitioner levelling eleven charges. The chargesheet was challenged in this court and one of the grounds was violation of Rules 66(4) and 66 (5) (a) of the University Non-Teaching Employees (Terms and Conditions of Service) Rules, 2013 i.e. appointment of an Inquiry Officer before issuance of chargesheet. Vide Order dated 30.04.2025, prayer of the college to withdraw the chargesheet with liberty to issue fresh was accepted. After withdrawal of the chargesheet, the petitioner submitted an apology letter and deposited of sum of Rs. 59,060/- towards the shortage of the canteen coupons.

2.2 On 04.11.2025, fresh chargesheet was issued to the petitioner which was challenged before this court on the ground that it has been issued by the Principal and not by the governing body. On 12.11.2025, the college sought to withdraw the chargesheet with liberty to issue fresh and the prayer was allowed with the liberty as prayed for. On 13.11.2025, the impugned chargesheet was issued and hence, the present petition.

3. Learned counsel for the petitioner submits that by issuing the impugned chargesheet the decided charges are being re-inquired and re-agitated. The contention is that the proceedings are hit by delay. The principle of promissory estoppel and double jeopardy are pressed into service to contend that the impugned chargesheet could not have been issued as the charges have already been decided in favour of the petitioner by the three-member committee.

4. Learned counsel for the respondents submits that the writ



petition is premature. The petitioner without filing the response to the chargesheet approached this court. Reliance is placed upon the decision of the Supreme Court in the case of **Union of India and Another Vs. Kunisetty Satyanarayana (2006) 12 SCC 28.** It is argued that not even once the charges were dealt on merits. The chargesheets were challenged on technical grounds and to meet the objections, the chargesheets were withdrawn with liberty from the court to issue fresh chargesheet.

5. The contentions raised by the learned counsel for the petitioner are ill-founded and lacks merit.

6. On a pin-pointed query during the course of hearing as to which of the charge was adjudicated by the disciplinary authority i.e. governing body, learned counsel for the petitioner on instructions from the client present in court identified by the counsel submits none. However, reliance is on the report of committee constituted to look into the allegations. Suffice to say that the committee constituted was not the disciplinary authority.

7. The contentions raised by the learned counsel for the petitioner that the decided charges were being re-agitated, re-inquired and it is case of double-jeopardy is unsustainable, the foundation for raising the contention is missing as the charges were never dealt by the disciplinary authority at any stage in any of the proceedings. The principal of promissory estoppel is not applicable in the facts of the present case. The pre-requisites of promissory estoppel as culled out by the Apex Court in **Motilal Padampat Sugar Mills Co. Ltd. v. State of U.P., (1979) 2 SCC 409** namely:- (i) definite and



unequivocal representation or promise; (ii) the representation must be intended, or made with knowledge, that it would be acted upon by the promisee; (iii) the promisee must have actually relied upon the promise; (iv) the promisee must have altered his position on the basis of such reliance, though proof of detriment is not required; and (v) being an equitable doctrine, it can be defeated only where overriding public interest so demands, are missing.

8. It is a trite law that interference in the writ petition impugning a chargesheet is to be done in the rare and exceptional cases.

9. The decision of the Supreme Court in the case of **Union of India and Another Vs. Kunisetty Satyanarayana (supra)** relied upon by the learned counsel for the respondents is squarely applicable in the facts of the present case. The relevant para is quoted below:

“14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ petition lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of anyone. It is only when a final order imposing some punishment or otherwise



adversely affecting a party is passed, that the said party can be said to have any grievance.

15. Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge-sheet.

16. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter.”

10. The argument of delay does not enhance the case of the petitioner. Delay has to be determined in the facts of the case. Moreover, the earlier chargesheets were withdrawn with liberty to issue afresh, in other words, the proceedings were going on. It cannot be lost sight of that one of the charges in the chargesheet relates to June, 2024.

11. Before concluding, it would be relevant to note that the Principal of the college has been impleaded as a party by name and there are no allegations of malafide pleaded against the Principal of the college except the legal ground ‘D’ in the writ petition. There are no factual pleadings of malafides in the writ petition. Be that as it may, the pleadings in legal ground also do not justify impleading an official by name.

12. No case is made out for interference against issuance of chargesheet at a stage when the petitioner has not even filed a



response.

13. The writ petition is dismissed.

14. All pending applications are also disposed of.

AVNEESH JHINGAN, J.

NOVEMBER 24, 2025/Pa

Reportable:- Yes