

(2019) 09 DEL CK 0174

In the Delhi High Court

Case No : Civil Writ Petition No. 9707, 9747 Of 2019, Civil Miscellaneous
Application No. 40053, 40244 Of 2019

Anshuman Dubey

APPELLANT

Vs

Jawahar Lal Nehru University

RESPONDENT

Date of Decision : 17-09-2019

Acts Referred:

Citation : (2019) 09 DEL CK 0174

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Barun Kumar Sinha, Suman Kaushik , Jivesh Kr.Tiwari, Monica Arora, Harsh Ahuja, Akashdeep, Abhik Chimni, Avanish Rathi, Priyal Agarwal, Maanav Kumar

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

1. Learned counsel appearing for the Jawaharlal Nehru University has filed a preliminary affidavit in Court in W.P.(C) 9707/2019. Same is taken on record. Learned counsel submits that the same counter affidavit is also adopted in W.P.(C) No.9747/2019.

2. Petitioners seek a mandamus thereby directing the respondent to hold the elections of Jawahar Lal Nehru University Students Union in accordance with the recommendations of the Lyngdoh Committee's report.

3. Lyngdoh Committee was constituted by the Ministry of Human Resources Development, Government of India in terms of order of the Supreme Court dated 12.12.2005 in University of Kerala vs. Council, Principals, Colleges, Kerala & Ors., SLP (C) 24295/2004 and other connected petitions.

4. Learned counsel for the petitioner submits that a detailed report with regard to the mode of elections, the students representations, frequency and duration of

the election process, eligibility criteria for candidates, code of conduct for candidates and election administrators as well as grievance redressal mechanisms was filed and the recommendations of the Lyngdoh Committee were accepted by the Supreme Court on 22.09.2006 in *University of Kerala vs. Council, Principals, Colleges, Kerala & Ors.*: (2006) 8 SCC 304.

5. Grievance raised by the petitioner in W.P.(C) 9707/2019 is that the Election Committee has reduced the number of seats of the councillors from 55 to 46.

6. Learned counsel for the petitioner submits that as per the Lyngdoh Committee's report each college/school/department has to have representation in the student body. He submits that in the past there were 55 seats of councillors depending upon the number of schools/colleges/departments. He submits that the Election Committee, which is constituted primarily from the student body, have reworked the formula and reduced the number of seats by notionally merging school/college/departments inter se.

7. Learned counsel for the petitioner submits that there is no sanction from the University for such reduction in the seats of councillors. He submits that the election has been held contrary to the Lyngdoh Committee's report and without any approval from the University.

8. It is informed by learned counsel for the parties that elections have already been held and the results have not been declared or notified and has been kept in a sealed cover in deference to order dated 06.09.2019 in these petitions.

9. Learned counsel appearing for the Election Committee submits that the grievance raised by the petitioner in W.P(C) No.9707/2019 that the seats of councillors have been reduced from 55 to 46 is incorrect as in the past there have never been more than 46 seats. He, however, concedes that four schools/colleges have not given representation and as per the Election Committee the election is yet to be held.

10. Learned counsel further submits that the grievance raised by the petitioner in W.P(C) No.9747/2019 that his nomination has been incorrectly rejected is also incorrect. He submits that as per the instructions issued for filing of a nomination form the candidates were specifically notified that duplication of any kind i.e. same candidate being proposed or seconded by same set of voters for same post or a different nomination form will lead to invalidation of such nomination.

11. Learned counsel submits that when a direction was received from the Grievance Redressal Cell a response was given to the Grievance Redressal Cell pointing out to the said instructions. Further it is contended that no hearing was given by the Grievance Redressal Cell prior to passing any direction. It is further contended that the Grievance Redressal Cell appears to have acted Suo moto without receipt of any complaint.

12. Learned counsel appearing for the University submits that the University as well as the Grievance Redressal Cell have acted strictly in accordance with the

Lyngdoh Committee recommendations and the action adopted by the Grievance Redressal Cell is strictly in accordance therewith.

13. Learned counsel further submits that several complaints have also been received by the Grievance Redressal Cell and same are under examination. Learned counsel further submits that in terms of the Constitution of the JNUSU there needed to be 55 seats for councillors and as such a direction was issued by the Grievance Redressal Cell prior to the holding of the election.

14. The stand of the University is disputed by learned counsel who intervenes on behalf of the Jawaharlal Nehru University Students Union 2018-19.

15. Learned counsel appearing for the University further submits that the Constitution of the Students' Union was amended after the election process was set in motion.

16. Learned counsel appearing for the Election Committee as also the Students Union disputes the same.

17. Since several factual disputes are being raised by the parties and as per the Lyngdoh Committee all disputes pertaining to elections have to be resolved by the Grievance Redressal Cell in accordance with the recommendations contained therein, by following the procedure laid down therein, I am of the view that these petitions be disposed of with a direction to the Grievance Redressal Cell to entertain and dispose of the complaints, if any received by it in accordance with the Lyngdoh Committee recommendations.

18. It is directed that the Grievance Redressal Cell shall act strictly in accordance with the Lyngdoh Committee recommendations and pass appropriate orders, if warranted, in accordance with the said recommendations of the Lyngdoh Committee.

19. It would be open to the parties to make their representations before the Grievance Redressal Cell.

20. It is clarified that this Court has neither considered nor commented upon the disputed questions of facts being raised by the parties. All rights and contentions are reserved.

21. The Election Committee is permitted to declare the final result of the elections for which voting was held on 06.09.2019. The University is also permitted to notify the result in accordance with the recommendations of the Lyngdoh Committee after following the due process as stipulated therein. This would, however, be subject to further orders that may be passed by the Grievance Redressal Cell on the various complaints received by it or that it may receive in accordance with the recommendations of the Lyngdoh Committee.

22. Petitions are disposed of in the above terms.

23. Order dasti under the signature of the Court Master.

CM APPL. 41551/2019 (for intervention)

Since the petitions stand disposed of, no orders are called for in this application.
The same is disposed of.