

(2020) 02 DEL CK 0328

In the Delhi High Court

Case No : Civil Writ Petition No. 12533 Of 2019

Ashok Kumar Jain And Anr

APPELLANT

Vs

National Law University Delhi And Ors

RESPONDENT

Date of Decision : 28-02-2020

Acts Referred:

Citation : (2020) 02 DEL CK 0328

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; C. Hari Shankar, J

Bench : Division Bench

Advocate : Misbahul Haque, Sanjay Vashishtha, S.D. Sharma

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

1. This so-called Public Interest Litigation (PIL) has been preferred with the following prayers:

1. To issue a Writ of Quo Warranto or the appropriate Writ directing the Respondent No. 2 to vacate the office of the Registrar, NLUD.

2. To issue a Writ of Quo Warranto or the appropriate Writ thereby quashing the illegal appointment of Respondent No. 2 as Professor

w.e.f. 2011-12 & further regularised in November, 2013 at the NLUD.

3. To issue a Writ of Quo Warranto or the appropriate Writ directing the Respondent No.3 to show-cause by what authority he appointed

Respondent No. 2 as the Professor and later the Registrar of NLUD;

4. To issue a Writ of Prohibition or the appropriate Writ directing the Respondent No. 4 to stop using the degree of LL.M. for any purpose

whatsoever and in any manner howsoever from the date of issue of such writ;

5. To issue an appropriate Writ to cancel the admission of Respondent No.4 to 2019 Batch of the Ph.D degree course of the University.

6. To issue a Writ Mandamus directing the University to take disciplinary actions against the Respondent No. 2 and 3 for blatant abuse of powers;

7. To issue a Writ of Quo Warranto or the appropriate Writ thereby quashing the illegal appointment of Respondent No. 5 at the NLUD.

8. To issue a Writ of Mandamus directing the University to take admissions through an independent agency like that of the CLAT

Consortium or any other independent agency, which this court deems fit; to rule out any manipulation in future and maintain transparency in the system;

9. To, impose such costs as the Respondent No. 2 might have gained by virtue of the Office to which he was illegally appointed on both the

Respondent No. 2 and Respondent No. 3 since appointment in 2011, with retrospective effect;

10. To pass such other or further orders as this court may deem fit to meet the ends of justice and equity.â??

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that there are allegations of the

petitioners upon respondent no. 2 that he does not possess the requisite qualifications for the post of Registrar. Counsel appearing for respondent no. 1

submits that a detailed counter affidavit has been filed, paragraph 9 whereof talks about the requisite qualifications for the post of Professor of Law

because Registrar ought to possess the qualifications of Professor of Law.

3. For the ready reference, qualifications for the post of Professor of Law reads as under:

â??4.1.0 PROFESSOR

A. (i) An eminent scholar with Ph.D. qualification(s) in the concerned/allied/ relevant discipline and published work of high quality, actively

engaged in research with evidence of published work with a minimum of 10 publication as books and/or research/policy papers.

(ii) A minimum of ten years of teaching experience in university/college, and/or experience in research at the University/National Level

Institutions/industries, including experience of guiding candidates for research at

doctoral level.

(iii) Contribution to educational innovation, design of new curricula and courses, and technology â?" mediated teaching learning process

(iv) A minimum score as stipulated in the Academic, performance indicator (API) based performance-based appraisal system (PBAS), set out

in this Regulation in Appendix III.

OR

B. An outstanding professional, with established reputation in the relevant field, who has made significant contributions to the knowledge in

the concerned/allied/relevant discipline, to be substantiated by credentials.â??

4. Looking to the aforesaid counter affidavit and in view of the public advertisement for the post of Professor of Law, it appears that respondent no. 2

was initially appointed as Professor of Law on ad hoc basis with effect from 12th November, 2013 and thereafter, as Registrar with effect from 26th

August, 2014.

5. Looking to the qualifications, the respondent no. 2 is possessing the requisite qualifications for the post of Professor in Law for the respondent no.

1/University. Counsel appearing for the petitioners further submits that the prescribed procedure in the appointment of the Registrar is not properly

followed by the respondent no. 1. He has also raised objection against the improper selection of the respondent no. 2. It is further submitted by the

counsel for the petitioners that earlier, respondent no. 2 was removed from the National Law University, Bhopal. In a writ of quo warranto, if

respondent no. 2 is found to have qualifications for the post of Professor of Law, the writ of quo warranto cannot be issued. An argument that

respondent no. 2 ought not to have been selected, cannot be decided in Public Interest Litigation. In such eventuality, proceedings can be preferred in

accordance with law before appropriate court.

6. Looking to the facts of the present case, it appears that respondent no. 2 is duly qualified for the appointment on the post of Professor of Law and

subsequently, as Registrar.

7. In view of the affidavit filed by respondent no. 1 and also looking to the Annexures annexed therewith, it cannot be said that respondent no. 2 is not

qualified for the aforesaid posts. On the contrary, respondent no. 2 is duly

qualified for appointment on the posts of Professor in Law and Registrar.

But counsel appearing for the petitioners contends that the appointments made by the respondent no. 2 are also illegal. For this allegation, the

petitioners are always having a remedy to challenge the appointments before the appropriate forum, in accordance with law.

8. Hence, there is no substance in this writ petition. With these observations, this writ petition is hereby dismissed.