

(2013) 12 DEL CK 0083

In the Delhi High Court

Case No : Writ Petition (C) No. 8145 of 2013

Dr. Meenakshi Gupta

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 20-12-2013

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 23 Rule 1

Citation : (2013) 12 DEL CK 0083

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Nitin Dhaiya, for the Appellant; Mohinder J.S. Rupal, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.

C.M. No. 17190/2013 (exemption)

Exemption allowed subject to just exceptions.

C.M. stands disposed of.

W.P. (C) No. 8145/2013 and C.M. No. 17189/2013 (stay)

1. Some petitioners insist on abusing process of law. This is one such petitioner. An earlier writ petition was filed being W.P. (C) No. 6799/2013 which was withdrawn after arguments because no case was made out. No case was made out because appointment of the petitioner as Vice-Principal was without the approval of the governing body, and accordingly the appointment of the petitioner as Vice-Principal was withdrawn. No fresh petition can be filed on the same cause of action and the petitioner essentially through this writ petition except making certain additional averments of appointment of one Mr. Vipin Kumar as Vice Principal (who is not even impleaded in this petition) states nothing more. Therefore this writ petition is essentially barred on account of the

principle enshrined in Order 23 Rule 1 of Code of Civil Procedure, 1908. For the sake of completion of narration, I may note that even in this petition there is nothing filed to show that there was approval of the governing body of the college for the appointment of the petitioner as Vice-Principal. Assuming the case is not barred, let us examine the case on merits. So far as challenge to the fresh appointment of Sh. Vipin Kumar is concerned, firstly there is no provision in law that only the senior most person has to be appointed as the Vice-Principal. In fact, petitioner herself relies upon the relevant ordinance in para 3(b) of the petition which does not provide for any appointment of a Vice-Principal by rotation according to seniority and all that the ordinance states is that Vice-Principal is appointed from amongst the Senior Lecturers in Senior Grade/Reader's Grade. Therefore, there is no basis for the petitioner to contend that appointment of Vice-Principal has to be on the basis of seniority.

2. Another reason for the petitioner now not being entitled to the post of Vice-Principal is that the petitioner herself in para 3(c) of petition states that only such person can be appointed as the Vice-Principal who meets the qualifications for the post of Principal. The writ petition does not state as to how the petitioner meets the qualifications for being appointed to the post of Principal. In any case, even by the amended rules there is no requirement of appointment of Vice-Principal merely on the principle of seniority. In view of the above, the writ petition is wholly misconceived and the same is therefore dismissed, leaving the parties to bear their own costs.