

(2025) 03 DEL CK 1107

In the Delhi High Court

Case No : Writ Petition (C) No. 3124 Of 2025 & Civil Miscellaneous Application
No. 14793 Of 2025

Dr O P Singh

APPELLANT

Vs

Delhi Skill And Entrepreneurship University & Anr

RESPONDENT

Date of Decision : 26-03-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Delhi Skill and Entrepreneurship University Act, 2019 — Section 12(16), 12(17), 30

Citation : (2025) 03 DEL CK 1107

Hon'ble Judges : Prateek Jalan, J

Bench : Single Bench

Advocate : A.K. Behera, Pankaj Kumar, Sandeep Kumar Saxena, Shubhendu Saxena, Anuvrat Singh, Shivendra Singh, Prakriti Rastogi, M.K. Gupta

Final Decision : Dismissed

Judgement

Prateek Jalan, J

1. By way of this petition under Article 226 of the Constitution, the petitioner assails an office order dated 27.02.2025 issued by the respondent No. 1 – Delhi Skill and Entrepreneurship University ["DSEU"], by which the respondent No. 2 – Pramod Kumar Goyal has been appointed as the Campus Director of PUSA-1 Campus of DSEU. The petitioner also seeks a direction that he be permitted to continue as "Officiating Principal" of PUSA Campus until 30.04.2025.

A. Facts:

2. The petitioner was appointed as Lecturer (Electrical Engineering) in the erstwhile Pusa Institute of Technology ["PIT"], under the Directorate of Training and Technical Education ["DTTE"], Government of National Capital Territory of Delhi ["GNCTD"], on 30.01.1991. By an order dated 08.02.2019 issued by DTTE, it was directed that the petitioner would "look after the work of Principal, PIT", and the powers of Head of Office were delegated to the petitioner. However, it

was provided that the petitioner would not be entitled for any extra remuneration "for looking after the work of Principal, PIT".

3. Several institutes of technology under DTTE, including PIT, were merged into DSEU, which was established under the Delhi Skill and Entrepreneurship University Act, 2019 ["DSEU Act"]. Employees of the institutes were also transferred to DSEU on existing terms and conditions.

4. It appears that the petitioner continued to discharge the functions of "Campus Director" of the PUSA Campus of DSEU, after the merger of PIT into DSEU.

5. By an order dated 13.08.2021, one Mr. Suneet Srivastava was nominated to the post of the Campus Director of the PUSA Campus. The petitioner challenged the appointment by way of W.P.(C) 9017/2021. An interim order was passed on 25.08.2021, which records submissions made on behalf of the petitioner, that Mr. Srivastava was junior to him, and has been appointed as the Officiating Campus Director, even in the absence of any Rules for this purpose. It was further noted that Mr. Srivastava had not taken charge as the Campus Director. In view of these circumstances, the Court directed that Mr. Srivastava would not take over charge until the next date of hearing, which was fixed on 13.09.2021. The aforesaid order held the field until the writ petition was disposed of by order dated 11.03.2025, in view of the Office Order dated 27.02.2025, which is under challenge in this writ petition.

6. While the said interim order was subsisting, DSEU issued the impugned Office Order of 27.02.2025, appointing respondent No. 2 as the Campus Director.

7. The petitioner contended that issuance of the order dated 27.02.2025, was a violation of the interim order dated 25.08.2021, and therefore filed a contempt petition [CONT. CAS(C) 345/2025] before this Court. However, the contempt case was disposed of on 06.03.2025, observing that the interim order dated 21.08.2024 was limited to Mr. Srivastava taking over as Campus Director, and contempt proceedings were not appropriate, in the event of any other appointment to that post. The petitioner was granted liberty to challenge the order dated 27.02.2025 in properly constituted proceedings, which has led to the present writ petition.

B. Submissions and statutory provisions:

8. I have heard Mr. A.K. Behera, learned Senior Counsel for the petitioner, and Mr. Shivendra Singh, learned counsel for DSEU.

9. At the very outset, it may be noted that learned counsel on both sides accept that the petitioner himself was never regularly appointed to the post of Principal, PIT, or Campus Director, PUSA Campus of DSEU. The aforesaid order dated 08.02.2019, provided that he would "look after the work of Principal, PIT", i.e., he was always an Officiating Principal or Acting Principal and continued in that status even after the DSEU Act came into force. It is further stated that the petitioner stood transferred to DSEU as a result of the notification dated

16.04.2021 and opted to be treated as being on deemed deputation from DTTE, as provided thereunder. By virtue of the consequent transfer of employees, the petitioner continued as Officiating or Acting Campus Director of the PUSA Campus of DSEU.

10. The principal submission of Mr. Behera is that the impugned order of appointment of respondent No. 2 as Campus Director has not been issued by the competent authority under the DSEU Act, and the Statutes of the University. For this purpose, Mr. Behera drew my attention to the following provisions of the DSEU Act:

"22. The Board of Management-(1) The Board of Management shall be the principal executive authority of the University and, as such, shall have all powers necessary to administer the University subject to the provisions of this Act and the Statutes made there under, and may make Ordinances and Regulations for that purpose and also with respect to matters provided hereunder;

xxxx xxxx xxxx

23. Powers, functions and meetings of the Board of Management-(1) The Board shall have the following powers and functions, namely:-

xxx xxx xxx

(vii) to create posts of all Groups on the recommendation of Senate and appoint persons to academic as well as other posts in the University;" Emphasis supplied.

11. Mr. Behera submitted that Section 30 of the DSEU Act provided for Statutes of the University to be framed, and the DSEU (First) Statutes, 2020, were framed by DTTE, vide a notification dated 14.01.2021. In the Statutes, certain additional functions were vested in the Board of Management ["BOM"] including the following:

"10. The Board of Management-

In addition to the provisions as contained in the sections 23 of the Act, the following is hereby further prescribed:

xxx xxx xxx

(vi) to approve the panel of experts for selection of all teachers/officers/ employees of the University;

xxx xxx xxx

(ix) to make appointments of all posts except Vice-Chancellor. Board will be disciplinary authority for all such posts." Emphasis supplied.

12. Relying upon these provisions of the DSEU Act, and the Statutes of DSEU, Mr. Behera submitted that the appointment of a Campus Director could only have been made by the BOM, which has overall powers of management and

administration of the University, and is also vested with specific powers with regard to selection and appointment to all posts.

13. It may be noted that in addition to these submissions, Mr. Behera also sought to assail the eligibility of respondent No.2 for the post of Campus Director, relying upon Regulation 2.13 and 2.26 of the Regulations[All India Council for Technical Education Pay Scales, Service Conditions and Minimum Qualifications for the Appointment of Teachers and other Academic Staff such as Library and Physical Education Personnel in Technical Institutions and Measures for the Maintenance of Standards in Technical Education – (Diploma) Regulation, 2019.] made by the All India Council for Technical Education [“AICTE”] on 01.03.2019. The contention of Mr. Behera was that no course in Computer Science is offered at the PUSA Campus of DSEU. Consequently, respondent No.2, being a member of Faculty of Computer Science Department, could not undertake the minimum six hours of teaching per week, as required of a Principal under the said Regulations, and that he was not regularly selected for the post. However, no such contention with regard to the eligibility of respondent No. 2, has been raised in this writ petition, and I, therefore, indicated to Mr. Behera that I do not propose to decide the said issue.

14. Mr. Behera lastly contended that the petitioner has been holding charge as Principal or Campus Director for the last six years, and is now on the verge of retirement, as he attains the age of superannuation on 30.04.2025. He contended that in such circumstances, the attempt of DSEU to dislodge him from the post of Campus Director, at this stage, is mala-fide.

15. Mr. Singh, at the outset, accepted that the impugned order has not been issued pursuant to a decision of the BOM, but of the Vice Chancellor. He submitted that the position of Campus Director has not yet been sanctioned by GNCTD, as a result of which the functions of Campus Director are being discharged on an officiating or acting basis. In this connection, Mr. Singh drew my attention to the following averments in the counter-affidavit dated 12.03.2025, filed by DSEU:

“28. Since adequate regular Campus Director positions have not yet been sanctioned by GNCTD, the University Administration has no choice but to make temporary, ad-hoc nominations for various administrative responsibilities to ensure smooth functioning of the University.

29. The nomination/ appointment of Dr. P.K. Goyal as the new Campus Director, which has been impugned in the present writ petition (Annexure P-1), is a temporary ad hoc measure, pending regular recruitment. His appointment cannot be questioned by a third party, as it has no bearing on Petitioner Dr. O.P. Singh's claim.” Emphasis supplied

16. Mr. Singh submitted that the Vice Chancellor, being the Principal academic and executive officer of the University, has been vested with responsibility for proper administration of the University. He cited Sections 12 (16) and 12(17) of

the DSEU Act, which provide as follows:

"12. Vice-Chancellor of the University:- (1) The Vice-Chancellor shall be a person of eminence having rich administrative and academic experience;

xxx xxx xxx

(16) In emergent cases, the Vice-Chancellor may exercise all the powers of the Board of Management, Senate and Finance Committee and put up in the respective Bodies of the action taken in the next meeting;

Provided that if authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor, whose decision thereon shall be final;

Provided that any person in the service of the University who is aggrieved by this action taken by the Vice-Chancellor under this sub-section shall, have the right to appeal against such action to the Board of Management within sixty days from the date on which such action is communicated to him and thereupon the Board of Management may, confirm, modify or reverse the action taken by the Vice-Chancellor;

(17) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances;"
Emphasis supplied

17. In terms of Section 12(17), the University Statutes have also prescribed various additional duties under Statute 4. These include the following:

"4. The Vice-Chancellor –

In addition to the provisions as contained in the section 12 of the Act, the following is hereby further prescribed:

xxx xxx xxx

(10) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decision of all the authorities of the University.

xxxx xxxx xxxx

(12) The Vice-Chancellor may make short-term appointments against the vacant post for a period not exceeding six months at a time, of such persons as he/she may consider necessary for the functioning of the University on such term & conditions and procedure as prescribed in the ordinance.

(13) The Vice-Chancellor shall have the power to assign additional responsibilities to the teachers/officers/staff for achieving the objectives of University and assist in its functioning. He/she shall also have authority to withdraw responsibilities/ authority from any teachers/officers/staff at any time even before completion of stipulated term of office; in case he/she feels that the

concerned teachers/officers/staff is unable to contribute fairly in the objectives and functions of the University.” Emphasis supplied

18. In the light of these provisions, Mr. Singh submitted that the power of the Vice Chancellor can be traced to Section 12(16) of the DSEU Act or, alternatively, to Clause 4(13) of the Statutes. Section 12(16) provides for exercise of such power in “emergent cases”. Mr. Singh submitted that the petitioner’s impending superannuation on 30.04.2025 itself provides justification for exercise of the power, so that alternative arrangements are made well in time and the handover is smooth. In any event, Clause 4(13) of the Statutes does not require a similar justification. Mr. Singh relied upon the judgment of the Supreme Court in *A.P.J. Abdul Kalam Technological University & Anr. v. Jai Bharath College of Management & Engineering Technology & Ors.*, (2021) 2 SCC 564 (hereinafter, “*A.P.J. Abdul Kalam Technological University*”) in support of his submission.

19. Mr. Singh pointed out that the petitioner himself has never been regularly appointed to the post of Principal of PIT or Campus Director. He submitted that under Regulation 2.26 of the AICTE Regulations, the normal tenure, even of a regularly appointed Principal, is five years, extendable by another five years. The petitioner’s tenure, even on this basis, commenced on 08.02.2019 and would have ended in February 2024. He has already remained in office for an additional period of one year, on the strength of the interim order dated 13.08.2021.

20. Mr. Singh refuted the petitioner’s allegations of mala-fides, submitting that DSEU permitted the petitioner not just to complete the five-year tenure, but also an additional year, and has made a new nomination only to smoothen the handover of charge. He also drew my attention to paragraph 25 of the counter affidavit, wherein DSEU has enumerated several other instances in which Campus Directors have been replaced after completion of five-year tenures. In fact, Mr. Singh submitted that, it is the petitioner who is taking an entirely unreasonable and mala-fide stand, that he must remain in-charge of the post of Campus Director until his retirement. Mr. Singh further submitted that, despite the passage of almost one month since the impugned order, and the fact that this Court has not granted any stay in this writ petition, the petitioner has not handed over charge to respondent No. 2.

21. Although I had indicated that I do not propose to enter into Mr. Behera’s allegations on the question of eligibility of respondent No.2, Mr. Singh submitted that Computer Science is taught as a supplementary subject in several courses in the PUSA Campus, and respondent No.2 will fulfill the regulatory requirement in this connection.

C. Analysis:

22. In view of Mr. Singh’s submission recorded above and paragraph

29 of the counter affidavit, I proceed on the basis that respondent No.2 has not been “appointed” to the post of Campus Director pursuant to any regular process

of recruitment. Instead, he has been nominated to fulfill the duties of Campus Director on the orders of the Vice Chancellor. The impugned order, to the extent that it speaks of Respondent No.2 having been "appointed as Campus Director", has given rise to some confusion in this regard, but in the absence of posts of Campus Directors having been sanctioned, I accept DSEU's submission that the appointments are being made on a temporary and officiating basis.

23. The question that then arises is as to whether such appointments by the Vice Chancellor are legally sustainable. On this question, I am of the view that the Act and Statutes cited by Mr. Singh are in line with the power exercised. While the BOM is the principal executive authority of the University and is vested with the power to make appointments under its Statutes, the Vice Chancellor, as the principal executive officer, has also been conferred wide powers under the Act and the Statutes. The judgment in A.P.J. Abdul Kalam Technological University, cited by Mr. Singh, demonstrates that the governing legislation and subordinate instruments must be examined to determine the source of power exercised.

24. In the present case, Mr. Singh has rightly referred to Section 12 (16) of the DSEU Act, which empowers the Vice Chancellor to exercise the powers of the BOM in emergent cases, subject to putting up the action taken in the next meeting. The fact that the petitioner is retiring on 30.04.2025, is, in my view, reason enough for the Vice Chancellor to have exercised this power in the interest of an efficient handover. No arbitrariness or unreasonableness is demonstrated by such a decision [The second Proviso of Section 12(16) provides for an appeal against any decision taken by the Vice-Chancellor under the said sub-section to the BOM. As recorded in the order dated 21.03.2025, learned counsel on both sides submitted that, in view of the petitioner's imminent retirement, the writ petition may be decided on merits rather than relegating the petitioner to the appellate remedy].

25. The alternative case articulated by Mr. Singh is, in my view, even more persuasive. As provided in Section 12(17) of the Act, the Statutes have made further provisions with regard to the duties of the Vice Chancellor. Clause 4(13) of the Statute covers the present situation fully. It empowers the Vice Chancellor to assign additional responsibilities to teachers for achieving the objectives of the University and assisting in its functioning, as well as to withdraw responsibility or authority from teachers, even before the completion of their stipulated terms, in case he thinks that they are unable to contribute fairly to the objective and functioning of the University. The assignment of the charge of Campus Director is nothing but an additional responsibility entrusted to respondent No.2. It is not a regular appointment.

26. Having come to the conclusion that the impugned order is traceable to the powers of the Vice Chancellor, under Section 12(16) of the DSEU Act and Clause 4(13) of the Statute, Mr. Behera's submission, to the contrary, is rejected.

27. The matter may also be looked at from another angle. The petitioner's

original appointment as Principal of PIT was itself an officiating appointment. Having never been regularly appointed to the post of Principal or Campus Director, the petitioner himself has no right or standing to argue that such appointments are dehors the Act or Statutes. In fact, the petitioner has continued even beyond the period of five years prescribed for a regular Principal under the AICTE Regulations. The first attempt to replace him as Officiating Campus Director was made on 13.08.2021. He challenged that in a writ petition. Although an interim order was passed restraining the appointee from taking charge, a reading of the order dated 25.08.2021 shows that this too was not on the basis of any prima-facie finding in the petitioner's favour, but on the specific submission that the appointee had not yet taken over charge.

28. The petitioner's allegations of mala fides are belied by the fact that no alternative appointment was made by DSEU, and he was permitted to continue until the impugned order was passed three and a half years later, in anticipation of his superannuation within two months. It may be noted that no particulars of mala fides are provided in the writ petition, nor has any individual been impleaded as a respondent in this connection. That said, DSEU has stated in its counter affidavit that it has enforced the five-year term on other Campus Directors also, against which no rejoinder has been filed, despite opportunity. The contention with regard to mala fides and discrimination against the petitioner is, thus, also unmerited.

29. Mr. Behera's only other contention was with regard to the eligibility of respondent No.2. As indicated above, I do not find any support for the said contention in the writ petition, and therefore, decline Mr. Behera's invitation to adjudicate upon the same.

D. Conclusion:

30. Consequently, the writ petition is dismissed. The petitioner is directed to hand over charge of Officiating Campus Director to respondent No.2 within three days from today.

31. In view of the fact that the petitioner is on the verge of superannuation, I refrain from imposing costs.