
(2013) 09 DEL CK 0372

In the Delhi High Court

Case No : LPA 691 of 2013

National Students front and Another

APPELLANT

Vs

Jawaharlal Nehru University and Another

RESPONDENT

Date of Decision : 17-09-2013

Acts Referred:

Citation : (2013) 09 DEL CK 0372

Hon'ble Judges : S. Ravindra Bhat, J;Najmi Waziri, J

Bench : Division Bench

Advocate : B.S. Narwal, Party in Person, for the Appellant; Mohinder. J.S. Rupal, for the Respondent

Final Decision : Dismissed

Judgement

S. Ravindra Bhat , J.—This is an appeal from an order of a learned Single Judge dismissing W.P. (C) 5262/2012, filed by the National Students Front (hereinafter "NSF") and one Mr. B.S. Narwal, with Mr. Narwal representing himself and the NSF. The writ petition claimed the following relief: "[A]-MAY THIS HONOURABLE COURT BE PLEASED TO ISSUE A WRIT OF MANDAMUS TO QUASH an impugned decision of the Jawaharlal Nehru University Vice-Chancellor which is numbered as JNU/LC/ADMN-IV/2260 dated 29th MAY 2012 read with an Office Order Number 117 of 2006 dated 20th DECEMBER 2006 along with such other consequential orders, so that, the JNUVC can be compelled to issue a Cancellation Notification in terms of an analogous stipulation extracted at Page Number 20 herein in this Civil Writ Petition along with the Notification Number 452 [S.O. 565(E)] dated 15TH MARCH 2011 published by Authority in an Extraordinary Gazette of India Part II-Section 3-sub-section(ii)." Essentially, the relief claimed by Mr. Narwal concerns the resignation tendered by Dr. Muttaya M. Koganuramath, the librarian of Jawaharlal Nehru University (hereinafter "JNU"). Specifically, it is claimed that the acceptance of the resignation letter tendered by him by the Vice-Chancellor of JNU is illegal and thus, liable to be quashed. Further, it is claimed that his appointment is void ab initio and that the JNU be compelled to publish a notice of

cancellation of his appointment itself in the Official Gazette. It is important to note here that Dr. Koganuramath was relieved of his duties by an order of the JNU (No. F.II/130/ADMN.IV/2006, dated 2nd January, 2007) with effect from the date of the letter, so as to enable him to return to his parent organization. This same question had been agitated by Mr. Narwal in a representation to the JNU earlier, pursuant to the order passed by this Court in W.P. (C) 511/2012 which was rejected pursuant to an order of this Court asking the JNU to decide on the matter in W.P. (C) 2185/2012. The JNU rejected that representation with reasons in writing through a letter dated 28.05.2012 (No. JNU/LC/ADMN.IV/2260).

2. In this case, the question concerns the manner of appointment and resignation of Dr. Koganuramath. In agitating this question, the appellants herein must demonstrate that they possess the necessary locus standi to raise this question. While admittedly, in a previous decision-Prakash Chand Anand and Others v. Jawahar Lal Nehru University, W.P. (C) 18216-7/2004, dated 08.09.2006, the constitution of the selection committee to appoint a librarian in JNU was declared illegal, the question arises whether the present petitioners/appellants possess the necessary locus standi to raise the present dispute. For a locus standi to be established, the appellants must show that they possess a legal interest in the matter of the cancellation of the appointment (or acceptance of the resignation letter). In this case, as the Single Judge rightly notes, the composition of the NSF, and more specifically, how Mr. Narwal claims to represent them despite any specific authorization on record (or in any document produced by him) is a question that has not been answered by Mr. Narwal. Though it is claimed by Mr. Narwal that he has the power of attorney on behalf of the NSF, no document has been produced in support of this, and thus, the Court cannot rely on that statement alone. Coming to Mr. Narwal's locus standi, it is clear that he is neither an aspirant to the post of librarian, nor has been affected in any way by the present facts, so as to vest in him a right to agitate these proceedings. Indeed, the very purpose of insisting on litigants demonstrating the necessary locus standi is to ensure that third, or uninterested, parties do not agitate questions that are remote to them, which is precisely the case in this case. In fact, Mr. Narwal has previously approached this Court on two occasions, to have his claims rejected on these very grounds. In an order by a Division Bench of this Court in LPA No. 2044/2006, the Court noted: "2. Before we deal with merits of the issue, we would like to focus on the locus of the Petitioners in filing the present petition. The Petitioner No. 1 is a student organization under Statute 33 of the JNU Act 1986 stated in paragraph 5 of the petition. The Petitioner No. 2 appears to be an Advocate. He has not described his status and connection with the Petitioner No. 1 in the petition, but on our asking he has orally informed us that he is the President of Students Union. In paragraph 2, however, he has stated that he is a Case-Law-Authority. We are, however, unable to understand as to how an Advocate, who is enrolled with the Bar Council of Delhi, could become the President of Student Union. Whether the constitution of the students' body permits an Advocate to become a President of the Students

Union is also not placed before us and, therefore, we cannot comment upon the sameThe Petitioner No. 2 appears to be aggrieved, but for reasons unknown to us. He has no connection at all with the functioning and management of the University, his vocation being that of an Advocate. So far as the question of recovery of the salary from Dr. Muttayya M. Koganuramath is concerned, he has rendered his service to the University as a librarian which was accepted and therefore, there is no possibility and question of recovery of any money from him." Then, again in W.P. (C) 9021/2007, questioning the appointment of another JNU functionary, in dismissing the writ petition, this Court recognized Mr. Narwal's lack of locus standi. In these proceedings as well, Mr. Narwal has not been able to address this question of locus standi, and the lack of infringement of any putative legal right that vests in him renders his case here susceptible to dismissal on the same grounds.

3. Indeed, even on the merits of the present case, the parent act of the Jawahar Lal Nehru University does not require for cancellation of appointments to be published in the Official Gazette. Being an autonomous organization, this Court does not find such a requirement to be posited elsewhere either. Though Mr. Narwal cites the Official Gazette Notification No. S.O.565(E) notifying the cancellation of the appointment of Mr. P.J. Thomas as the Central Vigilance Commissioner, that appointment was made under a warrant issued by the President of India, and accordingly, the termination was also made by the President, thus requiring Gazette Notification. The appointment in this case, however, was made by the Executive Council of the University, and thus, the two instances stand far apart. This aside, no independent authority has been provided that supports the requirement for such a notification. Equally, on the question of whether the resignation tendered by Dr. Koganuramath could have been accepted, the fact of his resignation was, in fact, recorded by this Court in an order dated 07.05.2007, in LPA 2044/2006, and liberty was granted to the JNU to maintain status quo as regards Dr. Koganuramath's appointment. It was during the pendency of those proceedings that his resignation was tendered, and thus, no independent bar lay to the acceptance of that resignation. Accordingly, for the above reasons, this Court finds no reason to interfere with the order of the learned Single Judge, dismissing the petition, with costs of Rs. 1,00,000 (Rs. 1,00,000 (Rs. 1,00,000 (Rs. 1 lakh) to be paid by Mr. Narwal, for his repeated and vexatious litigation.