

(2020) 08 DEL CK 0191

In the Delhi High Court

Case No : Civil Writ Petition No. 3257 Of 2020, Civil Miscellaneous Application No. 11393, 11395, 19049 Of 2020

Smita Bidani And Ors

APPELLANT

Vs

University Grants Commission And Ors.

RESPONDENT

Date of Decision : 14-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 08 DEL CK 0191

Hon'ble Judges : Siddharth Mridul, J; Talwant Singh, J

Bench : Division Bench

Advocate : Abhaya K. Behera, Manoj Ranjan. Sinha, Ripudaman Bhardwaj, Aakanksha Kaul, Manek Singh, Eshna Kumar, Santosh Kumari

Final Decision : Disposed Of

Judgement

Siddharth Mridul, J

This matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

1. The present writ petition under Article 226 of the Constitution of India, instituted on behalf of the petitioners, prays as follows:

"(a) Issue a writ, order or direction in the nature of certiorari or any other writ, order or direction in like nature setting aside and quashing the impugned order dated 21.05.2020 passed by the Ld. Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 798/2020 (Annexure P-9);

(b) direct the respondents to pay the cost of litigation to the petitioners;

(c) pass such other and/or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. By way of the present writ petition the petitioner assails the interim order

dated 21.05.2020 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 798/2020 (hereinafter referred to as 'subject OA') titled as 'Vinod Sharma & Others vs. University Grants Commission'.

3. Vide Order dated 27.05.2020 this Bench had stayed the operation of the impugned order dated 21.05.2020 till the next date of hearing.

4. Vide CM APPL. 19049/2020, the petitioners have prayed for a direction to the official respondent Nos.1 and 2 to hold DPC for the promotion to the post of Deputy Secretary and to give effect to the recommendations of the DPC forthwith. The present relief is predicated on the decision taken by the official respondents to stay their hands and not proceed with the DPCs for the subject post, in view of the pendency of the present writ petition, as well as, the subject OA.

5. In view of the foregoing and having heard learned counsel appearing on behalf of the parties, in our considered view, it would be appropriate to set aside the paragraphs 9 and 10 of the impugned order dated 21.05.2020 by consent, save and except to the extent where it directs the Education Officers to be impleaded as party respondents to the subject OA; and remit the matter to the learned Central Administrative Tribunal, Principal Bench, New Delhi, with a direction that the subject OA, be taken up for hearing, commencing from the 18.09.2020, the next date of hearing before the learned Central Administrative Tribunal, Principal Bench, New Delhi, itself and dispose it off within a period of three months thereafter, without granting any unwarranted adjournments to the parties.

6. Mr. Abhaya K. Behara, learned counsel appearing on behalf of the petitioners states that he shall file his affidavit in response to the subject OA, within a period of two weeks from today with an advance copy to learned counsel appearing on behalf of the original applicants.

7. Directed accordingly.

8. No further directions are called for.

9. With the above directions, the writ petition is disposed of. The pending applications also stand disposed of.

10. It is made clear that, we have not expressed any opinion on the merits of the present case.