

(2020) 08 DEL CK 0067

In the Delhi High Court

Case No : Letter Patent Appeal No. 203 Of 2020

University Of Delhi

APPELLANT

Vs

Anupam & Ors

RESPONDENT

Date of Decision : 14-08-2020

Acts Referred:

Citation : (2020) 08 DEL CK 0067

Hon'ble Judges : Hima Kohli, J;Subramonium Prasad, J

Bench : Division Bench

Advocate : Sachin Datta, Mohinder JS Rupal, Hardik Rupal, Akash Sinha, Shubham Saket, Indrajeet Singh, Gaurav Prakash Shah, Sunieta Ojha, Apoorv Kurup, Nidhi Mittal, Shivankar Sharma

Final Decision : Disposed Of

Judgement

CM APPLs. 18920/2020, 18921/2020 and 18922/2020 (exemption) Allowed, subject to all just exceptions. LPA 203/2020 and CM

APPL. 18918/2020 (stay)

1. The appellant/Delhi University is aggrieved by the order dated 07.08.2020 passed by the learned Single Judge in WP(C) 3946/2020 in particular, the

directions issued in para 78(m) whereby a four member Grievance Redressal Committee constituted by the University, has been reconstituted.

2. Mr.Sachin Datta, learned Senior Advocate appearing for the appellant/Delhi University submits that the University has created a two tier system to

deal with the grievances received from the final year students who have sat for the examinations conducted through the online OBE mode that have

commenced on 10.08.2020. The first tier comprises of the Delhi University's Grievance Officers headed by Dr.Ajay Arora and the second tier

comprises of a Grievances Redressal Committee, whose members are senior

ranking academicians. Learned Senior Advocate states that the learned Single Judge has exceeded the jurisdiction vested in her by treating the writ petition as a PIL and passing a slew of directions including reconstituting the said Committee. Two members have been dropped and three names added out of whom, one is a retired judge of the Delhi High Court appointed as the Chairperson, the other two members are a Senior Advocate and a practicing advocate of the High Court. Learned Senior Advocate states that the aforesaid reconstitution of the Grievances Redressal Committee is most unwarranted and reflects poorly on the Delhi University and its integrity. Hence, the present appeal.

3. Per contra, Mr.Akash Sinha, learned counsel for the respondents No.1 to 6 supports the impugned order and states that there is no reason for the appellant/University to harbour any grievance against the reconstitution of the Grievance Redressal Committee particularly when two of the members nominated by the appellant/University to the Committee have been retained. He further states that in any case, the Committee is the second tier and it would be required to conduct a scrutiny of a grievance only after the same has been examined by the first tier that is manned entirely by officers of the Delhi University.

4. We are of the opinion that reconstitution of the Grievance Redressal Committee neither impinges on the integrity of the appellant/University nor does it intrude on its authority. In fact, selecting members of the Committee who are not a part of the University, but have sufficient experience at hand, would only add to its stature and endorse the impartiality of the process more so when it is headed by a retired judge of the High Court. It is also pertinent to note that the other two members of the Committee nominated by the learned Single Judge have volunteered to act pro bono and there is no financial burden cast on the University on their addition except for the lump sum fee of the Chairperson and of the Principal Co-ordinator.

5. Mr.Mohinder J.S. Rupal, appointed as the Principal Co-ordinator states that he does not wish to accept any reimbursement from the appellant/University for discharging the said duty. That is entirely his prerogative. Learned counsel for the appellant/University states that the University is facing a crunch of funds and they do not have any head in the budget to pay the fee to the Chairperson as fixed in the impugned order. It

is for the Delhi University to arrange the funds itself or by approaching the UGC, Ministry of Human Resource Development or any other

authority/agency for the said purpose. However, the fee as fixed, is maintained.

6. In the course of submissions made by learned counsel for the parties we have suggested that if the appellant/University is willing to name any of the

two members of the Committee constituted in terms of the Notification dated 03/04.08.2020, who were subsequently substituted, then we can consider

adding him to make it a 6-member Committee, of course with the rider that in the event of any cleavage in opinion, the casting vote will be exercised

by the Chairperson of the Committee.

7. Mr.Sachin Datta, learned Senior Advocate had sought some time to obtain instructions from his briefing counsel and the Department and had

delinked from the hearing only to relink after 15 minutes. He states that the University is agreeable to the aforesaid suggestion and suggests that the

name of Professor S.C.Rai may be added as a member of the Committee.

8. Ordered accordingly. Besides the five members named in para 78(m)(1) of the impugned order, Prof. S.C. Rai shall also be a part of the

Committee. The Grievance Redressal Committee shall be at liberty to seek assistance from any officer of the Delhi University, if so directed by the

Chairperson. We may clarify here the aforesaid order has been passed only to allay the apprehensions of the appellant/University that any aspersion

has been cast on its integrity merely because the learned Single Judge has elected to reconstitute the Committee which as is quite apparent from a

perusal of the impugned order, was never the intention. The entire purpose of adding external members to the Committee appears to be to make it

independent and pellucid, which can hardly be faulted.

9. It is directed that the mobile numbers of the other members of the Committee besides those of the external members that are already on record,

shall be furnished by Mr.Rupal, learned counsel for the appellant/University to the Chairperson of the Committee in the course of the day. The

Committee will assemble virtually for conducting its first meeting on 17.08.2020 or as may be directed by the Chairperson. The order passed today

shall be communicated by learned counsel for the appellant/University to all the members of the Committee including the newly added member in the

course of the day.

10. The appeal is disposed of alongwith the pending application in terms of the consent given by Mr. Datta, Senior Advocate appearing for the appellant/University, while maintaining the impugned order except for the fact that a member has been added to the reconstituted Grievance Redressal Committee.

11. It is clarified that the present order has been passed in the peculiar and unprecedented facts and circumstances of the present case and shall not be treated as a precedent in any other matter.