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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9774/2022**

DELHI TECHNOLOGICAL UNIVERSITY Petitioner

Through: Mrs. Avnish Ahlawat, Mr. N. K. Singh, Mrs. Tania Ahlawat, Mrs. Palak Rohmetra, Ms. Lavanya and Ms. Aliza Alam, Advocates.

versus

SH PRADEEP KUMAR & ANR. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.07.2022

CM APPL. 28952/2022*(under Section 151 of the Code of Civil Procedure, 1908 seeking exemption from filing certified copies, documents, translated and typed copies)*

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application is disposed of.

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4. Delhi Technological University [*hereinafter*, '**Petitioner**'] is aggrieved with the communications/orders dated 20th April, 2022, 09th May, 2022, 03rd June, 2022 and 20th June, 2022 passed by Respondent No. 2 – National Commission for Scheduled Castes [*hereinafter*, '**Commission**'],



whereby Respondent No. 2 has taken cognizance and issued directions for refund of fee, upon a complaint filed by student aggrieved from the non-refund of academic fee pursuant to his cancellation of admission.

5. At the outset, Mrs. Avnish Ahlawat, counsel for the Petitioner, submits that the text of the order dated 20th June, 2022 has not been provided to the Petitioner, however, during the hearing before the Commission, the Petitioner was orally directed to refund full fee to Respondent No. 1. This, she states, is beyond the powers of the Commission and thus bad in law.

6. Mrs. Ahlawat also hands over a copy of a communication dated 29th June, 2022 across the board, which is taken on record, whereunder, the Vice Chancellor of the Petitioner-University has been directed to appear in person before the Commission today, i.e., on 04th July, 2022.

7. Mrs. Ahlawat submits that the Commission could not have taken cognizance of such a complaint, as it only exercises such powers as are provided under Article 338 of the Constitution of India. Further, issuance of summons for personal appearance of the Vice Chancellor of the Petitioner was not called for. Additionally, even on merits, the Petitioner-University is not liable to refund the academic fee to the said student, as his admission was withdrawn on 29th March, 2022, which was after the cut-off date of 31st December, 2021.

8. Issue notice to the Respondents by all permissible modes, upon filing of process fee, returnable on the next date of hearing.

9. Although, there is no direction issued by the Commission for refund of the fee, however, the communications placed on record do indicate that the Commission is insisting upon the personal appearance of the Vice Chancellor in relation to a complaint for non-refund of fee.



10. In support of the submission *qua* jurisdiction, reliance is placed on several decisions of this Court.¹ Mrs. Ahlawat has placed specific reliance on an order of this court dated 28th May, 2014.²

11. *Prima facie*, upon a perusal of the said judgments brought on record and the communications appended to the petition, it does appear that the Commission has exceeded its jurisdiction by summoning the Vice Chancellor of the Petitioner-University, in respect of a matter which does not fall within its domain.

12. In view of the above, till the next date of hearing, the proceedings before the Commission shall remain stayed.

13. Re-notify on 25th August, 2022.

14. The order be also given *dasti* under the signature of the Court Master.

SANJEEV NARULA, J

JULY 4, 2022

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¹ (i) All India Overseas Bank Employees Welfare Association v. UOI, (1996) 6 SCC 606 (ii) UOI v. Ram Kishore Meena, MANU/DE/0069/2017 and (iii) Order dated 18th May, 2022 in W.P.(C) 7593/2022 titled New India Assurance Co. Ltd v. National Commission For Scheduled Castes.

² UOI v. National Commission For Scheduled Castes & Anr., MANU/DE/134/2014.