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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 14516/2022

JAGRIT KATHURIA AND ORS

..... Petitioner

Through: Mr.Upender Thakur, Adv.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY & ORS.

..... Respondent

Through: Mr.Parvinder Chauhan with
Mr.Sushil Dixit, Advs for R-1.

Mr.Darpan Wadhwa, Sr.Adv. with Mr.Rajeev
Kumar Yadav, Ms.Shivani Kher, Mr.Ameer Vaid,
Advs for R-2.

Mr.Anil Soni, S.C. with Mr.Rahul Mourya, Adv
for AICTE.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

19.10.2022

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1. The petitioners, who were working as Assistant Professors in the respondent no.2 have approached this Court assailing the notice cum termination order dated 16.09.2022, vide which their services have been terminated by the respondent no.2 by granting them one month's salary in lieu of the notice period.
2. On the last date, in view of the objections raised by the learned senior counsel for the respondent no.2 that the writ petition would not be maintainable against a private institution like the said respondent, the matter was adjourned to enable the learned counsel for the petitioners to make submissions.
3. Today, he contends that the writ petition would be maintainable as even though the respondent no.2 is a private institution, the same is



affiliated to respondent no.1/University, which is a creation of the statute.

4. In the light of this submission made by learned counsel for the petitioner, the matter regarding the maintainability of the writ petition would be required to be considered at some length.
5. Issue notice. Learned counsel for the respondent nos.1 and 2 accept notice. Counter affidavit, if any, be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.
6. It will be open for the respondents to take the objections regarding the maintainability of the writ petition in their respective counter affidavits.
7. List on 13.02.2023.

CM APPL. 44376/2022 -Stay.

8. This is an application filed by the petitioner seeking stay of the impugned order dated 16.09.2022.
9. Learned counsel for the petitioners submits that the impugned order has been passed in a wholly cryptic manner without even granting any opportunity of hearing to the petitioners and that too when the petitioners have not been charged with any misconduct whatsoever. He, therefore, prays that the impugned order, being illegal on the face of it, be stayed and the petitioners be reinstated in service and allowed to discharge their duties.
10. The application is vehemently opposed by the senior learned counsel for the respondent no.2 who submits that grant of any such relief at this interim stage would amount to allowing the writ petition itself



and that too when even the question of maintainability of the writ petition is yet to be decided.

11. Having considered the submissions of the learned counsel for the parties, I am inclined to agree with the respondents that grant of any reinstatement at this interim stage, would tantamount to granting the final relief at this preliminary stage itself.

12. Even otherwise, in case, the petitioners ultimately succeed in the writ petition, the Court can always mould the relief by granting them all consequential benefits from the date of their termination. I, therefore, do not find any reason to stay the impugned order at this stage.

13. The application is, accordingly, dismissed.

OCTOBER 19, 2022

sr

REKHA PALLI, J