



\$~35 (2022 Cause List)

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

+ W.P.(C) 851/2022

TAYABBA UNNISA

..... Petitioner

Through: Mr. Shiven Varma, Advocate.

versus

UNIVERSITY OF DELHI & ORS.

..... Respondents

Through: Ms. Beenashaw Soni, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.01.2022

The proceedings in the matter have been conducted through video conferencing.

CM APPL. 2405/2022 (for exemption)

Exemption allowed, subject to all just exceptions.

This application stands disposed of.

W.P.(C) 851/2022 & CM APPL. 2404/2022 (for interim stay)

1. Issue notice. Ms. Beenashaw Soni, learned counsel, accepts notice on behalf of the respondents.
2. The petitioner was pursuing Ph.D. studies in Arabic from the Faculty of Arts, University of Delhi since 2016. It appears that she made allegations of sexual harassment against her supervisor and others, which resulted in a report of the Internal Complaints Committee ["ICC"] dated 31.07.2021. The report of the ICC *inter alia* found that the charges were unfounded.



3. The respondent-University of Delhi [“the University”] has also commenced disciplinary proceedings against the petitioner vide a show cause notice dated 15.09.2021. The disciplinary proceedings remain pending.
4. Further, the petitioner has also been served with a memorandum dated 27.09.2021 by which she has been informed that her admission to the Ph.D. program stands struck off with effect from 23.08.2021.
5. The aforesaid report of the ICC, the initiation of disciplinary proceedings and the memorandum dated 27.09.2021 are all under challenge in this writ petition.
6. As far as the report of the ICC is concerned, Mr. Shiven Varma, learned counsel for the petitioner, does not dispute that the petitioner has an appellate remedy, which she has not exercised. However, he submits that the petitioner has lost faith in the appellate forum and has, therefore, approached this Court under Article 226 of the Constitution.
7. The disciplinary proceedings are, at this time, at the stage of show cause notice. The petitioner has, admittedly, not responded to the show cause notice which was issued on 15.09.2021. In the meanwhile, the memorandum dated 27.09.2021 has been issued.
8. Ms. Soni, who appears on advance notice, submits that the memorandum has been issued due to academic non-performance of the petitioner, after giving her a show cause notice in accordance with the procedure prescribed under the University’s ordinances. She further submits that as far as the ICC report and the disciplinary proceedings are concerned, the writ petition is not maintainable as the petitioner has alternative remedies.



9. The respondents may file their counter affidavit within four weeks, without prejudice to their contentions on the maintainability of the writ petition. Rejoinder thereto, if any, be filed within two weeks thereafter.

10. It may be noted that none of the individuals against whom the petitioner has made allegations of *mala fides* have been arrayed as respondents in the writ petition. It is open to the petitioner to file an application for impleadment, if she is so advised.

11. List on 05.04.2022.

PRATEEK JALAN, J

JANUARY 14, 2022

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