



\$~7

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

+ W.P.(C) 1386/2017 and CM No. 6405/2017

ASHA GUPTA

..... Petitioner

Through: Mr. Anil Nauriya and Ms. Sumita
Hazarika, Advs.

versus

UNIVERSITY OF DELHI & ANR

..... Respondents

Through: Mr. Mohinder J.S. Rupal and
Mr. Prang Newmai, Advs. for R1.
Mr. Ravinder Aggarwal, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

23.08.2017

CM. No. 16578/2017

This is an application filed by the petitioner seeking amendment of the writ petition thereby incorporating grounds “O to W” (Para 8 of the application) and additional prayers “ca” and “cb” (Para 9 of the application). It is the submission of Mr. Anil Nauriya, learned counsel appearing for the petitioner that this amendment was necessitated because of communication dated 28th March, 2017 of the University of Delhi to the petitioner whereby she has been informed that she stands superannuated from the University on attaining the age of 60 years on 30th April, 2012. He also states that University has given a reference to UGC letter dated 27th February, 2014 which also has been challenged by way of an amendment.

Mr. Ravinder Aggarwal, learned counsel appearing for the respondent



2026 Page 1262

no.2 would submit that challenge to the circular dated 27th February, 2014 is belated, more so, when the petitioner was aware of such letter, of which reference is made in the writ petition. In this regard, he draws my attention to Page 26 of the writ petition. Alternatively, he pleads that even if the amendment is allowed, respondent no.2 must be given liberty to take all such pleas available to the respondent no.2 both on facts and in law, with regard to the letter dated 27th February, 2014.

Mr. Mohinder J.S. Rupal, learned counsel appearing for the respondent no.1 makes similar submissions inasmuch as the letter dated 28th March, 2017 has not given a cause of action to the petitioner to challenge the letter of the UGC dated 27th February, 2014. He also states that the petitioner being aware of such letter and action was in contemplation with the University pursuant to the said letter, the challenge at this stage is hit by delay and laches.

Noting the submissions made, it is an admitted position that the communication dated 28th March, 2017 was issued by the University to the petitioner subsequent to the filing of the writ petition and also after this Court had issued notice in the writ petition. If that be so, a challenge to the same required amendment of the writ petition.

In so far as the challenge to the UGC letter dated 27th February, 2014 is concerned, no doubt reference to the same has been made in the writ petition, but that cannot be a ground to reject the application. Reserving the right and granting liberty to the respondents to take such objections as they deem fit both on facts and in law on the letter dated 27th February, 2014, the amendments sought in terms of Paras 8 and 9 of the application, incorporating grounds “O to W” and additional prayers “ca” and “cb” are



allowed. Amended writ petition be filed within four weeks from today. The respondent no.2 shall be at liberty to file additional affidavit within four weeks thereafter to the extent of the amendments sought and similarly respondent no.1 shall file counter-affidavit, within four weeks of the filing of the amended writ petition. Rejoinder thereto be filed within four weeks after the filing of the additional affidavit/counter affidavit.

List before Joint Registrar for completion of pleadings on 27th November, 2017.

Application disposed of.

V. KAMESWAR RAO, J

AUGUST 23, 2017/jg