

Date of Hearing : 29.11.2019

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)
WRIT PETITION (CIVIL) NO. 12533 OF 2019

(In the matter of Public Interest Litigation):

ASHOK KUMAR JAIN & Anr. ... PETITIONERS

VERSUS

NATIONAL LAW UNIVERISTY, DELHI & Ors.

..RESPONDENTS

INDEX

| SI.NO. | PARTICULARS | PAGE No. |
|--------|---|----------|
| 1. | Urgent Application | |
| 2. | Notice of Motion | |
| 3. | Memo of Parties | |
| 4. | Synopsis and List of Dates & Events | |
| 5. | Writ Petition (Civil) by way of Public Interest Litigation (PIL) under Article 226 of the Constitution of India along with supporting affidavit. | |
| 6. | ANNEXURE P-1 (Colly) A Copy of Times of India, Newspaper, Indore, MP Dated 17.10.2011, reporting removal of Prof G.S Bajpai from service in September/October 2011 by NLIU Bhopal, and The Order of Hon'ble Madhya Pradesh High Court: <i>WP-18042-2010- Prof (Dr.) G.S. Bajpai Vs National Law Institute University, Bhopal</i> dated 12.01.2016, dismissing his Petition. | |
| 7. | ANNEXURE P- 2 (Colly) True copy of the advertisement 2013 | |

| | | |
|-----|---|--|
| | inviting applications for the post of Professor of Law, NLU Delhi and the True copy of relevant pages of UGC Regulations, 2010 on qualification for the post of Professor of Law; and the academic qualification of Respondent No 2. | |
| 8. | ANNEXURE P - 3 (Colly) Copy of Section 21 of NLUD Act 2007 and Resolution of Executive Council, NLUD dated 26.08.2014 appointing Respondent No. 2 as the Registrar of NLUD. | |
| 9. | ANNEXURE P - 4 (Colly) Copy of List of LLM Students in 2017-18 and List of Gold Medal Candidates. | |
| 10. | ANNEXURE P - 5 Advertisement for the post of One Research Associate and One Field Investigator. | |
| 11. | ANNEXURE P - 6 Decision of Appointment of Respondent No. 4 as Research Associate among others dated 17.09.2019 | |
| 12. | ANNEXURE P- 7 A copy of the Selection Committee for the appointment of Respondent No.5 dated 05.12.2018 | |
| 13. | ANNEXURE P- 8 (Colly) Copy of Notification for admission process to Ph.D in Law 2019, Results of Ph.D. Entrance Exam 2019 Dated – 22.06.2019 and Composition of Research Committee for the admission to Ph.D. Course dated 29.07.2019 | |

| | | |
|-----|--|--|
| 14. | ANNEXURE P- 9 (Colly) Copy of Representations on abuse of powers by Respondent No. 2 to the Chief Justice of India, Chief Justice High Court of Delhi (Chancellor, NLU), Vice Chancellor NLU Delhi- Respondent No 3, dated 22.07.2019, 29.06.2019 and 22.07.2019 respectively. | |
| 15. | ANNEXURE P - 10 (Colly) A Copy of the LLM Time-Table, 2019 Batch, showing the Appointment Of Respondent No. 4 as a Visiting/Guest Faculty at NLU Delhi and Copy Of Composition of LLM Governing Committee/ Centre for Post Graduate Legal Studies (CPGLS) 2017 and 2019. | |
| 16. | Application on Behalf of Petitioner U/S 151 CPC seeking exemption from filing True Copy. | |
| 17. | Affidavit in support of Exemption Application | |
| 18. | Court Fee | |
| 19. | VAKALATNAMA | |

PETITIONERS

THROUGH

ADVOCATES

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Mob: 7033357565

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PLACE: NEW DELHI

DATE:

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To,
The Registrar,
Delhi High Court, Delhi

Subject: Urgent application for listing of the matter

Sir,

Kindly treat the accompanying petition on urgent basis. The ground of urgency is that there has been blatant abuse of public offices and arbitrary exercise of power by the officials of National Law University, Delhi with respect to admission and appointment process. The authorities of the National Law University, Delhi did not follow the prescribed fairness and due process of law for admission in LLM and Ph.D Course and appointment of teachers and have instead shown nepotism and favoritism.

The petition, hence, requires urgent attention and directions of this Hon'ble Court.

Yours Faithfully,

PETITIONERS

THROUGH
ADVOCATES

MISBAHUL HAQUE

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NOTICE OF MOTION

To,
The Counsel for Respondents
Respondent No. 4 & 5.

Respected Sir,

The enclosed writ petition in the abovementioned is being filed on behalf of the petitioner and is likely to be listed on _____ or any further date thereafter.

Please take notice accordingly.

Yours Faithfully,

PETITIONERS

THROUGH
ADVOCATES

MISBAHUL HAQUE
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IN THE HIGH COURT OF DELHI AT NEW DELHI

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VERSUS

NATIONAL LAW UNIVERISTY, DELHI & Ors.

..RESPONDENTS

MEMO OF THE PARTIES

**1. ASHOK KUMAR JAIN,
S/O HARISH CHANDRA JAIN,
HOUSE NO. 147-B, EXPRESS VIEW APARTMENT
SECTOR – 93, NOIDA,
GAUTAM BUDDHA NAGAR,
UTTAR PRADESH - 201304**

**2. NITISH BHARADWAJ
S/O NARESH CHAND SHARMA,
HOUSE NO. S-1, B-85,
SHYAM PARK EXTENSION,
NEAR RAILWAY STATION, SAHIBABAD,
GHAZIABAD,
UTTAR PRADESH - 201005**

.....PETITIONERS

VERSUS

**1. NATIONAL LAW UNIVERSITY DELHI
THROUGH ITS REGISTRAR**

**SECTOR-14, DWARKA
NEW DELHI-110078**

- 2. PROF. G.S. BAJPAI
PROFESSOR & REGISTRAR
NATIONAL LAW UNIVERSITY DELHI
SECTOR-14, DWARKA,
NEW DELHI-110078**
- 3. PROF. RANBIR SINGH
VICE-CHANCELLOR
NATIONAL LAW UNIVERSITY DELHI
SECTOR-14, DWARKA
NEW DELHI-110078**
- 4. MEHAK BAJPAI,
D/O G.S. BAJPAI,
VISITING/GUEST FACULTY,
NATIONAL LAW UNIVERSITY DELHI
SECTOR-14, DWARKA,
NEW DELHI-110078**
- 5. DR. SABHYATAPRAKASH,
COMMUNICATIONS MANAGER
NATIONAL LAW UNIVERSITY DELHI
SECTOR-14, DWARKA,
NEW DELHI-110078**

..... RESPONDENTS

PETITIONERS

**THROUGH
ADVOCATES**

**MISBAHUL HAQUE
(Counsel for the Petitioners)
B1/226, Prakash Mohalla
East of Kailash, Garhi
New Delhi- 110065
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**PLACE: NEW DELHI
DATE:**

BRIEF SYNOPSIS

The petitioners are in the category of respected citizens and they have been devoted to consistently addressing themselves to public cause regarding transparency and good governance that concern the community. Petitioners are filing this Public Interest Litigation (PIL) in order to advance the cause of the transparency in selection and admission processes in National Law University, Delhi (hereinafter referred to as NLUD). This PIL is related to serious misconducts and abuse of public office by the Respondents at NLUD. NLUD is a premiere academic institution providing legal education and simultaneously promoting research in the field of law to foster the goals of just and equitable society. It was established by an Act of the Government of NCT, the National Law University Act, 2007. However, some of the officials of the institution has, of late, not only indulged in malpractices but has also resorted to flagrant violation of the rule of law to achieve certain ulterior motives.

In the year 2011, while serving the National Law Institute University, Bhopal (hereinafter referred to as NLIU) which is another premiere legal institution in the country, as Professor, Respondent No. 2 was accused of serious misconducts and subsequently removed from the services after holding a Judicial Inquiry duly approved by higher authorities of the said University.

Thereafter in 2011-12, without following any process for public appointment and ignoring the disqualification of Respondent No. 2, Respondent No. 2 was appointed as professor by Respondent No. 3 without having required qualifications. The claim of Petitioners, rest on the fact that neither any advertisement was issued, nor any selection committee was established for

this appointment. In 2013 the Professorship of the Respondent No. 2, who does not hold any law degree, and was ineligible to hold any post of law teacher in India, was regularized, by Respondent No. 3.

In August 2014, the Respondent No. 2 was appointed to the post of Registrar of NLUD. The Statutory prescription for the post of Registrar mandates that the appointee must be a Professor of Law. The Respondent No. 2, possessing bachelor's in science, master's in arts, and a Ph.D, is neither a Professor in Law nor possesses any law degree (LLM/PhD in Law) to hold the post of registrar at the NLUD.

That the present Writ Petition under Article 226 of the Constitution of India is being filed, seeking the writ of Quo Warranto, among other Writs, ordering the Respondent No. 2 to vacate the office of the Registrar, NLUD.

The appointment of Respondent No. 2, as Registrar, is in violation of Section 21 of the National Law University Act, 2007.

Since his appointment to the post of Registrar, Respondent No. 2 has arbitrarily used his power and violated the rule of law to cause bestowal of benefits to his relatives and acquaintances showing nepotism and favoritism as the only *modus operandi*. This is noted from the appointments of Respondent No. 4 & 5, and the admission of Respondent No. 4 to LLM degree Course, Ph.D and eventually as guest faculty at NLUD. Respondent No. 5 has been appointed as Communication Manager by way of nepotism.

During May-July 2019, one of the Petitioner, had filed RTI applications to the Respondent No.1 for collecting documents on the said illegal appointment and admission involving Respondent No. 2, 4 and 5. In June-July 2019 Petitioner No.2 also submitted representations to Chief Justice of India, Chief Justice of High Court of Delhi (also the Chancellor of NLUD), Vice Chancellor, NLUD- (Respondent No.3 herein) and others, requesting

them to take actions against illegal appointments of Respondent No. 2 and 5 and manipulations of process for admission in LLM and Ph.D of Respondent No. 4. However, no action has been taken by any authority against the abuse of public offices and illegal appointments and admission, till date.

Now, the Respondent No. 2 has manipulated the admission process to get the Respondent No. 4 admitted to the Ph.D. course 2019 at NLUD. The question paper and evaluation of answer sheet for the entrance exam to the Ph.D. course in 2019 was prepared by Research Committee headed by the Respondent No. 2. Respondent No. 2 has also resorted to unfair means, by manipulating exams center of his daughter i.e. Respondent No. 4, for the said exam at the premise of NLUD on 05 May 2019. The manner of declaring the results where only the Roll Numbers of the applicants are displayed in conjunction with the fact that the Respondent No. 4 obtained the highest marks in the said exam is also reflective of the extent of manipulation, nepotism, and arbitrariness by the Respondent No. 2.

Furthermore, the Respondent No. 2, in addition to the abusive tactics, has also performed his functions in utter conflicts of interest. The Respondent No. 5 who is currently acting as the Communications Manager with the NLUD is the niece of Respondent No. 2. An RTI filed in this regard has brought to the fore the fact that the Selection Committee appointed for the recruitment of the Respondent No.5 was chaired by Respondent No.2. Further, there was also no public advertisement in newspapers for inviting applications for the post.

In August/Sept 2019, Respondent No.2, who is also the convener/ in-charge of LLM Governing Committee/ Centre for Post Graduate Legal Studies (CPGLS) 2019, also facilitated illegal appointment of his daughter i.e.

Respondent No.4, without any process and qualification, as visiting/guest faculty to teach LLM students at the NLUD.

The facts clearly reflect abuse of power, arbitrariness, nepotism & favoritism, and conflict of interest in the *modus operandi* of essential functionalities at the NLUD. Such flagrant violation of the rule of law by a premiere legal institute is nothing short of mockery of the judicial system and to make good to the losses an intervention by this Hon'ble Court is need of the hour.

The National Law Universities across the country hold immense value in the judicial system and promote legal education and training. The fact that these Universities come within the purview of State for the purpose of the Constitution is evident from the test laid in the case of *Ajay Hasia vs. Khalid Mujib* [(1981) 1 SCC 722]. These Universities are statutory bodies funded (in some cases fully and in other cases partly) by the State Government. In the present case, the Preamble to the statute establishing NLUD clearly shows a deep and pervasive control of the Government in the functioning of the University. Therefore, NLUD comes within the purview of 'other authorities' under Article 12 of the Constitution of India.

Appointment to various posts in public offices is guided by the rules formulated in this regard. Sometimes, these rules are by-passed either in connivance with the selectee or otherwise. The Supreme Court in various judgments has categorically observed that where the statutory rules for appointment to a certain post is not followed, such appointment is unsustainable. Therefore, such bypass runs contrary to the established practice and the constitutionalism of the land.

The Supreme Court has laid the law categorically in the case of *Hari Bansh Lal vs. Sahodar Prasad Mahto* [(2010) 9 SCC 655] with respect to

maintainability of a Public Interest Litigation (hereinafter PIL) in service matters, including appointment to statutory posts, such as the one in question. The observation by the Hon'ble Court in that case read with the Delhi High Court (Public Interest Litigation) Rules, 2010 justify the maintainability of the present petition. The court vide para 20, observed –

“20. From the discussion and analysis, the following principles emerge:

“a) Except for a writ of quo warranto, PIL is not maintainable, in service matters.

b) For issuance of writ of quo warranto, the High Court has to satisfy that the appointment is contrary to the statutory rules.

c) Suitability or otherwise of a candidate for appointment to a post in Government service is the function of the appointing authority and not of the Court unless the appointment is contrary to statutory provisions/rules.”

The Supreme Court has clearly reflected upon the consequence of illegal appointment, alongside defining what constitutes illegal appointment. In the case of ***Ashok Kumar Sonkar vs. Union of India and Others [(2007) 4 SCC 54]***, the court observed vide para 34 & 35 –

“34. The court may not take serious note of an irregularity within the meaning of the provisions of the Act. But if an appointment is illegal, it is non est in the eye of the law, which renders the appointment to be a nullity.

35. We have noticed hereinbefore that in making appointment of the appellant, the provisions of Article 14 and 16 of the Constitution and statutory rules were not complied with. The appointment, therefore, was illegal and in that view of the matter, it would be wholly improper for us to invoke our equity jurisdiction.”

The Court in that case went a step further and observed, vide Para 28 –

“A court of law does not insist on compliance with useless formality. It would not issue any such direction where the result would remain the same, in view of the fact situation prevailing or in terms of the legal consequences. Furthermore, in this case, the selection of the appellant was illegal. He was not qualified on the cut-off date. Being ineligible to be considered for appointment, it would have been a futile exercise to give him an opportunity of being heard.”

In the case of ***Bhupendra Nath Hazarika vs. State of Assam [(2013) 2 SCC 516]***, the Supreme court has observed in para 53 –

“53. ...The aforesaid authorities clearly lay down the principle that when there is violation of the recruitment rules, the recruitment is unsustainable. Whether any active part is played by a selectee or not, has nothing to do with the appointment made in contravention of the rules.”

In another case ***Shivajirao Nilangekar Patil vs. Dr. Mahesh Madhav Gosavi [(1987) 1 SCC 227]***, the Apex Court has highlighted the need for intervention by a superior court to *make investigations into the issues of public importance even though the petitioner may have moved the court for vindication of a private interest.*

The court observed –

“The allegations made in the petition disclose a lamentable state of affairs in one of the premier universities of India. The petitioner might have moved in his private interest but enquiry into the conduct of the examiners of the Bombay University in one of the highest medical degrees was a matter of public interest. Such state of affairs having been brought to the notice of the Court, it was the duty of the Court to the public that the truth and the validity of the allegations made be inquired into. It was in furtherance of public interest that an enquiry into the state of affairs of public institution

becomes necessary and private litigation assumes the character of public interest litigation and such an enquiry cannot be avoided if it is necessary and essential for the administration of justice.”

LIST OF DATES AND EVENTS

| CHRONOLOGY OF EVENTS | DETAILS |
|----------------------|--|
| Sept- Oct 2011 | Removal of Respondent No. 2 from the services of NLIU, Bhopal on serious charge of misconduct and corruption. And removal of Respondent No. 2 by the Chief Justice of High Court of Judicature at Madhya Pradesh also approved. |
| 2011-2012 | Backdoor appointment of the Respondent No. 2 as Professor by the NLUD sans advertisement or selection committee and qualification. |
| November 2013 | Appointment of Respondent no. 2, without any law degree/qualification to hold the post of professor, by ignoring the eligibility as per the public advertisement 2013 and UGC Regulations 2010, was regularized by the University. |
| August 2014 | Appointment of the Respondent No. 2 as |

| | |
|-----------------------|--|
| | Registrar of NLUD by the Respondent No. 3, in violation of Section 21 of NLUD Act, 2007. |
| Since 2014- till date | Respondent No. 2 appointed as the coordinator for admissions to Ph.D.& LL.M. |
| July-August 2017 | Admission of Respondent No. 4 to the LL.M. Course. |
| July-August 2018 | Respondent No. 4 awarded the Silver Medal for securing the Second Rank in the LL.M. Course. |
| 2018-2019 | Respondent No. 5, niece of Respondent No. 2 appointed illegally, without any fair process, as Communications Manager at NLUD. |
| 05 May 2019 | Respondent No. 4 appeared at the NLUD Entrance exam center for Ph.D 2019. Respondent No.2 used unfair means to ensure the admission of his daughter i.e. Respondent No.4, to PhD Degree course 2019 at NLU Delhi |
| 22 June-August 2019 | Results of the Ph. D. Entrance Exam2019 declared, and the Respondent No. 4 secured the highest marks. In August 2019, Respondent No.4was admitted to Ph.D Course 2019 at NLU |

| | |
|-----------------------|--|
| | Delhi |
| June - July 2019 | Representation sent to the Hon'ble Chief Justice of India, the Hon'ble Chief Justice of High Court of Delhi and Vice-Chancellor of NLU, Delhi regarding complaint against Respondent No. 2 for abuse of public office in admission of Respondent No. 4 in LLM and Ph.D and appointment of Respondent No. 5 as Communication Manager at NLUD. |
| August/September 2019 | Respondent No.2 facilitated the appointment of Respondent No.4 as a visiting/guest faculty for LL.M. course, without any qualification and due process. |
| | Hence, this Public Interest Litigation. |

The present case not only brings to fore the irregularities in the admission and appointment process but also show manipulation in the results of internal examination to fulfill ulterior motives.

Hence, the present Petition.

IN THE HIGH COURT OF DELHI AT NEW DELHI
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(In the matter of Public Interest Litigation):

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VERSUS

NATIONAL LAW UNIVERISTY, DELHI & Ors.

..RESPONDENTS

WRIT PETITION IN PUBLIC INTEREST FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA SEEKING A WRIT OF QUO WARRANTO OR ANY OTHER WRIT WHICH THIS HON'BLE COURT MAY DEEMED APPROPRIATE FOR REMOVAL FROM THE PUBLIC OFFICE AND QUASHING OF ILLEGAL APPOINTMENTS OF RESPONDENT NOS 2, 4 & 5 ; AND TO QUASH ILLEGAL ADMISSION OF RESPONDENT No. 4 TO LLM & PH.D COURSE 2019 AND OTHER ACTIONS AS PER THE PRAYERS, FOR VIOLATION OF ARTICLE 14, 16, AND 21 OF THE CONSTITUTION OF INDIA READ WITH THE PROVISIONS OF THE NATIONAL LAW UNIVERSITY, DEHI ACT 2007 AND UGC REGULATIONS, 2010 ON APPOINTMENT OF TEACHERS.

To,

HON'BLE CHIEF JUSTICE AND HIS COMPANION JUDGES OF
HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

THE HUMBLE PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That, the petitioners are filing the instant writ petition in Public Interest. There is no motive OR reason other than the larger public interest in filing this PIL. The petitioners have no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person/ institution/ body and that there is no motive other than of public interest in filing the writ petition.

2. That, the source of averments made in this petition are based on authentic documents and information derived from publically available documents either obtained through RTI, Newspaper reports and from the official website of National Law University Delhi.

3. That, the petition if allowed would bring transparency in admission and appointment in public office at NLU Delhi which in turn would benefit the citizens of this country in general, and existing and prospective students and staff of NLU Delhi in particular, as rule of law is essential for transparency and fairness in public institutions and such brazen violation of law in admission and appointment by the most reputed Law University i.e, National Law University Delhi and the Officials of National Law University Delhi. Since these persons are too numerous and have no direct personal interest in the matter, they are unlikely to approach this Hon'ble Court on this issue. The present petition is for the benefit of the student community, as the students, due to fear of loss of career, are afraid to approach this Hon'ble Court. The Petitioners are filing this PIL to secure fundamental Rights guaranteed under Article 14, Article 16 and Article 21 of the Indian

Constitution. Hence the Petitioner's herein are preferring this Public Interest Litigation.

4. That, the affected parties by the orders sought in the writ petition would be National Law University Delhi, Prof. GS Bajpai, Prof. Ranbir Singh, Mehak Bajpai, Dr. Sabhyatha Prakash who have been made as Respondent(s). To the best of the knowledge of the petitioners, no other persons/ Bodies/ Institutions are likely to be affected by the orders sought in the writ petition/PIL.

5. That, the **Petitioner No. 1** is a retired public servant (an engineer in power sector) and resident of the National Capital Region in Noida, Uttar Pradesh. **Petitioner No. 2** is a young working professional (senior analyst in public policy and regulatory affair) in a reputed private firm and is a residents of the National Capital Region in Ghaziabad, Uttar Pradesh. The Petitioners are respected citizens and they have been devoted to consistently addressing themselves to public cause regarding transparency and good governance that concern the community. Petitioner No. 1 has exposed corruptions in various Government Department/PSUs by way of RTI and sending representations to respective Vigilance Officers to unearth the corruptions. Petitioners are working with a benign motive to keep a check on transparency and good governance in public offices. That the Petitioners have no motive other than bringing to fore the malpractices being adopted in NLUD, conflict of interests and the abuse of powers therein.

The Petitioners have means to pay the cost, if any, imposed by the Hon'ble High Court and undertakes to abide by the order of the Hon'ble Court.

6. That, the petitioners had made several representations to the Vice Chancellor of National Law University, Delhi as explained later in the petition. The petitioners thereafter made a representation to the Hon'ble Mr. Justice Ranjan Gogoi, the Chief Justice of India and also Hon'ble Chief Minister of Delhi Mr. Arvind Kejriwal and other eminent persons. Neither any action has been taken nor any meaningful response has been given by the authorities.

7. That, the Petitioners have established his credentials through filing RTI and exposing corruption in Governments Departments/PSUs. Petitioner No. 2 has not filed any PIL before any High Court or Hon'ble Supreme Court. Petitioner No. 1 has also advance the cause of public interest through various PILS's before the Hon'ble High Court and the Hon'ble Supreme Court, as shown in the following table:

Petitioner 1:

Before the Hon'ble Supreme Court:

| S.N o. | Case No. | Status | Outcome |
|-----------|---|---|---|
| 1 | <i>All India Power Engineer Federation vs. Sasan Power Ltd. & Ors.</i> C.A No. 5881-5882/2016 | Judgment Passed dated- 08.12.2016 | PIL is turned down but the Civil Appeals are allowed. |

Before the Hon'ble High Court of Bombay:

| Sl. No. | Case No. | Status | Outcomes |
|---------|---|---------------|----------|
| 1 | <i>Ashok Kumar vs. Insurance Regulatory and Development Authority & Ors.</i> CRPIL/2/2017 | Notice issued | Pending |
| 2 | <i>Ashok Kumar Jain vs. Reserve Bank of India & Ors.</i> WPL/2578/2017 | Notice issued | Pending |
| 3 | <i>Ashok Kumar Jain vs. Registrar General of Bombay High Court.</i> WPL/3167/2018 | Disposed off | Rejected |

CASE IN BRIEF:

8. That, the Respondent No.1 (hereinafter referred to as NLUD) is established by a statute, namely, the National Law University Delhi Act, 2007 (hereinafter referred to as the Act of 2008). That the Respondent No. 2 is the Registrar and the Respondent No. 3 is the Vice- Chancellor of the University. Thus, both the Respondents are amenable to the Writ Jurisdiction of this Hon'ble Court.

9. That the Respondent No. 4 is a daughter of Respondent No. 2, who has been admitted to LLM and thereafter in Ph.D and eventually appointed as guest

faculty at NLUD, all by way of nepotism and defying the established rules and regulations.

10.That the Respondent No. 5 is a close relative (*niece*)of Respondent No. 2, who has been appointed as Communication Manager at NLUD by the committee headed by Respondent No.2, adopting nepotism and favoritism in public office and the same has been explained herein in forthcoming paras.

11.That, the Respondent No. 1 (NLUD) is bound by the regulations issued by the University Grants Commission (hereinafter referred to as the UGC) with respect to minimum qualifications for the appointment of teachers and other academic staff in universities and colleges and measures for the maintenance of standards in higher education, 2010 for the appointment of teachers.

12.That, the present petition is being filed in order to challenge the unfair and arbitrary manner in which the Respondents have abused the power conferred to them by virtue of their office(s). Respondent No. 2, as professor, has acquired his position at NLU-Delhi illegally and the Respondent No. 3 has also illegally appointed Respondent No. 2 as the Registrar of NLUD showing utter disrespect to the procedure established by law. The Petitioners under Article 226 of the Constitution seek a Writ of *Quo Warranto* or any other appropriated writ to cancel and remove Respondent No.2 from his position which he acquired in 2011-12 and November 2013. The present petition is for the benefit of the student community, as the students, due to fear of loss of career, are afraid to approach this Hon'ble Court. The Petitioners are filing this PIL to secure fundamental Rights

guaranteed under Article 14, Article 16 and Article 21 of the Indian Constitution.

13.That, the Respondent No.2 in Sept- Oct 2011 was removed from the National Law Institute University, Bhopal (hereinafter referred to as NLIU, Bhopal) on the serious grounds of committing misconduct and corruption. In October 2011, the Chief Justice of the Hon'ble High Court of Madhya Pradesh (also the Chancellor of NLIU, Bhopal) approved the findings of the Judicial Enquiry conducted by **Justice V K Agarwal**, recommending strict disciplinary action against the Respondent No 2, and had also dismissed the representations of Respondent No.2.

A Copy of Times of India, Newspaper, Indore, MP Dated 17 October 2011 reporting removal of Respondent No 2 from service in September/October 2011 by NLIU Bhopal, and The Order of Hon'ble Madhya Pradesh High Court: *WP-18042-2010- Prof (Dr.) G.S. Bajpai Vs National Law Institute University, Bhopal* dated 12 January, 2016, dismissing his Petition, is attached as **Annexure P- 1 (Colly)**.

14.That, after the removal from NLIU, Bhopal the Respondent No. 2, in the year of 2011-12, was appointed as a Professor at NLUD by Respondent No 3. This appointment was made without any public advertisement or following any selection procedure by the University. The appointment shows arbitrariness and favoritism in the selection process and utter disregard to the UGC regulations 2010 for making such appointment and disrespect to the rule of law.

In July 2013, NLUD invited applications from the eligible candidates, as per the UGC Regulations for the appointment of teachers 2010, for the post of

'Professor of law'. Although the Respondent No.2 was ineligible for the post of professor of law, but Respondent No.3, after discarding all legal requirements as per the UGC Regulations 2010, still appointed Respondent No. 2 to the post of professor in November 2013. Respondent No.2, who does not hold any law degree (LLM/PhD in Law), and also was ineligible to hold any post of professor of law as per the UGC Regulations 2010 and advertisement July 2013, possesses a bachelor's in science, master's in arts, and a Ph.D.

That the minimum qualification for appointment as Assistant Professor and Associate Professor prescribed under the University Grants Commission *Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education 2010* was as follows:-

3.0.0. RECRUITMENT AND QUALIFICATIONS

3.1.0 The direct recruitment to the posts of Assistant Professors, Associate Professors and Professors in the Universities and Colleges shall be on the basis of merit through all India advertisement and selections by the duly constituted Selection Committees as per the provisions made under these Regulations to be incorporated under the Statutes/Ordinances of the concerned university. The composition of such committees should be as prescribed by the UGC in these Regulations.

4.1.0 PROFESSOR

A. (i) An eminent scholar with Ph.D. qualification(s) in the concerned/allied/relevant discipline and published work of high quality, actively engaged in research with evidence of

published work with a minimum of 10 publications as books and/or research/policy papers.

(ii) A minimum of ten years of teaching experience in university/college, and/or experience in research at the University/National level institutions/industries, including experience of guiding candidates for research at doctoral level.

(iii) Contribution to educational innovation, design of new curricula and courses, and technology – mediated teaching learning process.

(iv) A minimum score as stipulated in the Academic Performance Indicator (API) based Performance Based Appraisal System (PBAS), set out in this Regulation in Tables I to IX of Appendix III.

OR

B. An outstanding professional, with established reputation in the relevant field, who has made significant contributions to the knowledge in the concerned/allied/relevant discipline, to be substantiated by credentials.

True copy of the advertisement 2013 inviting applications for the post of Professor of Law, NLU Delhi and the True copy of relevant pages of UGC Regulations, 2010 on qualification for the post of 'Professor of Law' are attached as **ANNEXURE P- 2 (Colly)**

15.That in August 2014, the Respondent No. 2 was appointed to the post of Registrar of NLUD by Respondent No 3. The Statutory prescription under Section 21 (1) of NLU D Act 2007 for the post of Registrar mandates that

the appointee must be a 'Professor of Law'. Respondent No 2 is neither a Professor in Law nor possesses any law degree to hold the post of Registrar at the NLUD. Therefore, the appointment of the Respondent No. 2 to the post of Registrar is in violation of Sub-section (1) of Section 21 of the Act of 2008 (as amended by 2009). The Respondent No. 2 has since been serving as the Registrar of NLUD. National Law University Delhi Act 2007 Section 21 (1) reads as under:

Section 21. Registrar:(1) The Registrar, who shall be an academic person in law not below the rank of a Professor shall be appointed by the Chancellor on the recommendation of the selection committee constituted by the Executive Council and headed by the Vice-Chancellor on such terms and conditions of service as the selection committee may specify subject to the provisions of the Statutes and Regulations.

Copy of Section 21 of NLUD Act 2007 and Resolution of Executive Council, NLUD dated 26.08.2014 appointing Respondent No. 2 as the Registrar of NLUD and the qualification of Respondent No 2 are attached as **ANNEXURE P- 3 (Colly)**.

16.That, Respondent No. 2 in collusion with the Respondent No. 3 has been abusing his power since 2014. The powers have been abused in respect of admission process for, LL.M. and Ph.D., appointments of teaching and non-teaching staff. Respondent No. 2, since his illegal appointment as the Registrar, has been the in-charge of the admission and examination process for LL.M. and Ph.D. In 2017, Respondent No. 4, who is also the daughter of Respondent No. 2, got admission through unfair means to the LL.M. course. The Respondent No. 2, as the Convener of governing Committee/ Centre for

Post Graduate Legal Studies (CPGLS) of LLM Course, manipulated the results of LL.M. 2018 for the benefits of the Respondent No. 4 who also secured the Silver Medal for performing second best in the LL.M. batch of 2017-18 at NLUD, by unfair means.

Copy of List of LLM Students in 2017 and List of Gold Medal Candidates and Composition of governing Committee/ Centre for Post Graduate Legal Studies (CPGLS) of LLM Course are attached as **ANNEXURE P- 4 (Colly)**.

17. That, the Respondent No.1 (NLUD) issued a notification for the appointment of 1 (One) Research Associate and 1 (One) Field Investigator for contractual work on certain research project. Copy of the notification is attached as **ANNEXURE P- 5**.

18. That, the Respondent No. 4 was appointed as Research Associate with two other persons which shows there were three (03) appointments made to the post for which only 1 (One) appointment was advertised for. This fact clearly reflects an attempt to manipulate the results and camouflage the abuse of power with more than the advertised appointments. That, this is an attempt towards diverting the attention, by the powers that be, from any fingers being raised on the administration.

Copy of the minutes of the Selection Committee dated 17 September 2018 is attached as **ANNEXURE P- 6**.

19. That, the Respondent No.2 by virtue of his authority in 2018-19 managed to get his *niece* i.e. Respondent No. 5 illegally appointed at his office. In an RTI filed in this regard brought to fore the fact that the Respondent No. 2

was the chairperson of the selection committee which appointed the Respondent No. 5, without any public notification in newspaper for inviting applications for the post, as Communication Manager. That, the chain of events clearly reflects a conflict of interest and favoritism by Respondent No. 2 towards Respondent No. 5.

A copy of the internal advertisement received from an RTI filed and the minutes of the Selection Committee for the appointment of Respondent No 5, dated 05.12.2018 respectively is attached as **ANNEXURE P-7**.

20.That the entrance exam for Ph.D Admission 2019 at NLUD was held on May 5th, 2019. That, the Respondent No. 2 heads the Research Advisory Committee and teaches research methodology and the question paper for Ph.D. entrance was totally based on the Research methodology. That, in the results of the Ph.D. entrance exam, Respondent No. 4 has secured the highest marks. Exam Centre of the Ph.D entrance exam of Respondent No 4 was also fixed at the NLUD campus. That only, two inferences could be drawn from this set of circumstances that either the question paper was prepared by the Respondent No. 2 and he shared the same with Respondent No. 4 or contradistinctively the Respondent No. 2 knew about the question paper (even if he was not directly involved in its preparation, which is highly unlikely owing to this position as controller of admission to the various courses in NLUD) and he shared this knowledge with the Respondent No. 4. That, add furthermore, the declared results only point out the roll numbers of the candidate and no other information is provided for in this respect which shows nothing but an attempt to manipulate the results and hide it from public scrutiny.

It is apposite to mention herein that the Respondent No. 2 is in a position to manipulate or directly influence the admission process of the University, especially that of LLM and Ph.D. That, in an RTI reply, it was revealed that the Registrar controls all the administrative staff which conducts all the examinations in the University including the evaluation of Research Proposal of the prospective candidates, willing to get admitted into Ph.D.

Copy of Notification for admission process to PhD in Law 2019, Results Of Ph.D. Entrance Exam 2019 Dated – 22 June 2019 and Composition of Research Committee for the admission to Ph.D Course dated 29 June 2019, respectively are attached as **ANNEXURE P- 8 (Colly)**.

21.That, the Petitioners submitted many representations to the Hon'ble Chief Justice of India, Chancellor of NLU (Hon'ble Chief Justice of High Court of Delhi), Vice Chancellor of National Law University Delhi, Chief Minister of Delhi, Deputy Chief Minister of Delhi to take action for abuse of office of Registrar by Respondent No. 2, for admission of Respondent No. 4 to LL.M. in 2017 and Ph.D. in 2019 and also the appointment of Respondent No.5 as Communication Manager. That, no action whatsoever and howsoever has been taken in this regard.

Copy of Representations on abuse of powers by Respondent No 2 to the Chief Justice of India, Chief Justice High Court of Delhi (Chancellor, NLU D), Vice Chancellor- NLU Delhi- Respondent No 3, 22 July 2019, 29 June 2019, & 22 July 2019 are attached as **Annexure P-9**.

22.That, the Respondent No. 2, is also the regulator of LL.M. and Ph.D. courses and has facilitated the appointment of Respondent No. 4 as a visiting/guest faculty, who is not qualified enough to hold that post. The appointment of

the Respondent No. 4 sans the procedure established by law and the same is in violation of Article 14 of the Indian Constitution.

A Copy of the LLM Time Table 2019 Batch, showing the Appointment Of Respondent No.4 as a Visiting/Guest Faculty at NLU Delhi and Copy Of Composition of LLM Governing Committee/ Centre for Post Graduate Legal Studies (CPGLS), are attached as **ANNEXURE P-10 (Colly)**

23.That, the present writ petition in the form of Public Interest Litigation is maintainable under Article 226 of Indian Constitution and is not barred by any law of limitation and all the Respondents are located within the local jurisdiction of this Hon'ble Court.

24.That the Petitioners have not filed any other petition, suit or application in any manner regarding the matter of dispute in this Hon'ble Court, or any other High Court or Before Hon'ble Supreme Court or any other Court throughout the territory of India. The Petitioner have no other better remedy available.

GROUND

The Petitioners are requesting for the appropriate relief from this Hon'ble Court on the following amongst other, grounds:

- 1.** Because the appointment of Respondent No. 2 as professor in 2011-12 and Nov 2013 by the Respondent No. 3 is arbitrary, illegal, and violates the Constitution, UGC Regulations 2010 as well as National Law University Delhi Act, 2007.

2. Because despite the dismissal of Respondent No. 2 on committing serious misconducts after holding Judicial Inquiry in 2010-11 by NLIU Bhopal, the Respondent No. 2, without any process and lack of requisite qualification was appointed at NLUD in 2011-12 by Respondent No 3.
3. Because the appointment of Respondent No. 2 as Registrar in August 2014 by the Respondent No. 3 is arbitrary, illegal, and violates the Constitution and Section 21(1) of NLUD Act 2007.
4. Because the actions of the respondent No.2 and Respondent No. 3 are mala fide in appointing the staff members and admission of students. And Respondent No.2 and Respondent No.3 have completely acted *ultra vires* the rule of law.
5. Because, the process of admission to LLM and PhD is not fair and transparent, and marred by favoritism and nepotism in public office.
6. Because the appointment of Respondent No. 4 and 5 have been done in arbitrary and manipulative manners disregarding due process and rule of law in the public appointments by Respondent No.2 and 3, is a reflection of gross abuse of powers for private gains.
7. Because, the officers/ Professors were continuously abusing their power and using it for their own good. The arbitrariness by the professors is a violation of constitutionally guaranteed fundamental right i.e. Right to Equality.
8. Because the Respondents have acted on, no procedure other than biasness, patent illegality, nepotism, arbitrariness, and their whims and fancies.
9. That the rampant abuse of public office and nepotism in admission and appointment in public University and the manifest unwillingness of the executive to take requisite action in order to ensure that the culprits are punished and transparency in public offices are maintained, gravely impairs the right of the people to live in a transparent and fair society. This violates

Article 14, 16 and 21 of the Constitution. The right to life guaranteed to the people also includes in its fold the right to live in a society that is free, fair and transparent.

On these and other grounds to be urged at the time of hearing, it is most humbly prayed that this Hon'ble Court may be pleased to allow this Writ Petition by granting reliefs as prayed for.

That, in the facts and circumstances of the case the petitioner most respectfully prays as under:

PRAYER

In the facts and circumstances stated above the Petitioner prays before this Hon'ble Court to issue directions in the form of a writ of *Quo Warranto* or any other appropriate writs or orders and may be pleased to:

1. To issue a Writ of Quo Warranto or the appropriate Writ directing the Respondent No. 2 to vacate the office of the Registrar, NLUD.
2. To issue a Writ of Quo Warranto or the appropriate Writ thereby quashing the illegal appointment of Respondent No. 2 as Professor w.e.f. 2011-12 & further regularised in November 2013 at the NLUD.
3. To issue a Writ of Quo Warranto or the appropriate Writ directing the Respondent No.3 to show-cause by what authority he appointed Respondent No. 2 as the Professor and later the Registrar of NLUD;

4. To issue a Writ of Prohibition or the appropriate Writ directing the Respondent No. 4 to stop using the degree of LL.M. for any purpose whatsoever and in any manner howsoever from the date of issue of such writ;
5. To issue an appropriate Writ to cancel the admission of Respondent No.4 to 2019 Batch of the Ph.D degree course of the University.
6. To issue a Writ Mandamus directing the University to take disciplinary actions against the Respondent No. 2 and 3 for blatant abuse of powers;
7. To issue a Writ of Quo Warranto or the appropriate Writ thereby quashing the illegal appointment of Respondent No. 4 and 5 at the NLUD.
8. To issue a Writ of Mandamus directing the University to take admissions through an independent agency like that of the CLAT Consortium or any other independent agency, which this Hon'ble Court deems fit; to rule out any manipulation in future and maintain transparency in the admission and appointment process at NLUD;
9. To, impose such costs, as the Respondent No. 2 might have gained by virtue of the Office to which he was illegally appointed, on both the Respondent No. 2 and Respondent No. 3 since appointment in 2011, with retrospective effect;
10. To pass such other or further orders as this court may deem fit to meet the ends of justice and equity;

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

PETITIONERS

THROUGH
ADVOCATES

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