

\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3925/2020

DEEPAK KUMAR

.....Petitioner

Through: Mr Abhik Chimni, Ms Deval Singh
Advocates and Mr Om Narayan,
Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY & ORS. Respondents

Through: Ms Monika Arora with Ms Ankita,
Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **03.07.2020**

1. The hearing was conducted through video conferencing.

CM APPLN. 14040/2020 (Court fee)

2. Exemption allowed, subject to the condition that the applicant will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court. The applications stand disposed-off.

W.P.(C) 3925/2020

3. Issue notice.
4. The learned counsel for the parties as mentioned above accept notice.
5. At joint request the petition is taken up for disposal. The petitioner has been residing at the hostel accommodation for married students at the Jawaharlal Nehru University (hereinafter referred to as "the University") for the last five years. He lives with his wife. They are stated to have married each other against the wishes of their respective families and the village elders -- the *khap panchayat* is

opposed to their matrimony. Therefore, they cannot go back to their native place for residence. The petitioner is a Ph.D scholar in the third year. He has two more years to complete his thesis. Just before the national lockdown, he had gone out for some field-work. His spouse has accompanied him. Recently, when they tried to reenter the University, they were denied entry. They have been denied access to their personal belongings and to only shelter they have known for the last few years. It is contended that they neither have alternative accommodation nor will anyone provide them shelter, especially in these straitened COVID-19 pandemic circumstances, which has led to a nationwide lockdown since 25.03.2020. The petitioner states that his spouse is scheduled to take academic examinations starting from 17.07.2020 till the first week of August, 2020. It is therefore argued that the petitioner and his spouse be granted access to resume their habitation in the University allotted accommodation.

6. The learned counsel for the respondent University contends that:
 - i. no intimation was given to the University, before the petitioner went on a field-work, accompanied with his spouse;
 - ii. the petitioner ought to have extended his stay where he was staying during his field-work, before the lockdown period came into force.
 - iii. the proposed examinations of the petitioner's spouse, have been postponed.
7. Be that as it may, the University married couples' hostel, is the only home where the petitioner and his spouse have been staying for past few years; their access to same cannot be denied to them except by

due process of law. Simply because they had gone out on some field-work, he cannot be denied re-entry. They have no other place to go and it the petitioner is unlikely to get an alternate accommodation in a hurry especially in trying pandemic times. Since the allotment subsists they cannot be shut out. They should not be prevented from living in the allotted accommodation.

8. The case was passed-over for the learned counsel for the University to obtain instructions; having done so, she submits that the University has reconsidered the petitioner's case and because of his special circumstances, he and his spouse will be forthwith allowed re-entry and resumption of habitation in their allotted University accommodation. However, she submits that this reconsideration, may not be cited as a precedent, as it has been done only in the peculiar facts and circumstances of this case.
9. It is understood, that the petitioner and his spouse shall abide by the University's Circulars, referring to regulations issued by the Ministry of AYUSH, apropos precautionary measures to be taken to prevent the spread of the COVID-19 pandemic.
10. The learned counsel for the petitioner submits that the accommodation of the petitioner is more in the nature of a separate apartment self-contained unit and there is hardly any possibility of unintentional social interaction with any other resident.
11. In view of the above, the petitioner does not press for any other relief, at this stage.
12. The petition is accordingly disposed-off in above terms.
13. The order be uploaded on the website forthwith. Copy of the order

be also forwarded to the counsels through email.

JULY 03, 2020/*rd*

NAJMI WAZIRI, J