

IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (CIVIL) NO. 2764 OF 2011

IN THE MATTER OF:

NANDANI DUTTA & ORS

.....PETITIONERS

VERSUS

UNIVERSITY OF DELHI & ORS

.....RESPONDENTS

INDEX

Sr. No.	Particulars	Page No
1.	Affidavit on behalf of respondent University of Delhi	1-3
2.	<u>ANNEXURE R-1</u> Copy of Letter dated 05.09.2011 addressed to MHRD	4-21
	<u>ANNEXURE R-2 (Copy)</u> Copies of the letters dated 05.09.2011, 07.09.2011, 29.09.2011 and 15.11.2011	22-35

RESPONDENT

Through

NEW DELHI

DATED: .11.2011

MOHINDER .J.S. RUPAL

ADVOCATE

707, KAILASH BUILDING

26, KASTURBA GANDHI MARG

NEW DELHI

IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (CIVIL) NO. 2764 OF 2011

IN THE MATTER OF:

NANDANI DUTTA & ORS

.....PETITIONERS

VERSUS

UNIVERSITY OF DELHI & ORS

.....RESPONDENTS

AFFIDAVIT FILED BY RESPONDENT UNIVERSITY OF DELHI

I, R.K. Sinha, /o Late Thakur R.K. Sinha aged about 46 years presently working as Registrar, University of Delhi, Delhi-110007 do hereby solemnly affirm and submit as under:

1. That I am well conversant with facts and the circumstances of the case on the basis of records maintained by the University of Delhi in ordinary course and I can accordingly depose to the same.
2. That University of Delhi Act, 1922, provides under section 18 that, *"The Court shall be the Supreme authority of the University and shall have the power to review the acts of the Executive Council and the Academic Council (save when these authorities have acted in accordance with the power conferred upon them under this Act, the Statutes, or the Ordinances) and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes."*

3. Further under section 31(4) of the said Act, "All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall from the date of such resolution cease to have effect."
4. The Court of the University held its meeting on 24.08.2011 and as per requirement of Section 31(4) of the Delhi University Act, 1922; all amended Ordinances relating to semester system at undergraduate level were placed before the University Court. In the said meeting, it was recorded that, "The University has successfully transited to a Semester based mode of learning for all programmes of study at Undergraduate as well as the Post Graduate level". It was resolved under item no. 11/ (a) that the various amendments to the Ordinances and Appendices to Ordinances for the period from 26.03.10 to 09.07.2011 be adopted. Out of 250 members present seven members submitted written dissent. Thus, the University Court duly approved the various Amendments to the Ordinances and Appendices to Ordinances which was amended by the Executive Council in its meeting held on 25.04.2011 and 09.07.2011.
5. The above developments are relevant for the present case. The Visitor through Ministry of Human Resource Development has also been sent the amendments to the Ordinances vide letter dated 05.09.2011. The true and correct copy of the said letter

dated 05.09.2011 is annexed hereto and marked as **ANNEXURE R-1**.

6. A separate letter has also been sent to Government of India, Department of Publication for publication of amendments to Ordinance in the Gazette of India, Part-III Section-4 vide letter dated 05.09.2011. A reply dated 07.09.2011 to above noted letter has been received by the University with request to send the authorized letter of MHRD for publishing of the same. Further the University of Delhi has written two letters dated 29.09.2011 and 15.11.2011 to the Ministry of Human Resource Development seeking authorization for publishing the amended Ordinances in the official Gazette of India as. Copies of the letter dated 05.09.2011, 07.09.2011, 29.09.2011 and 15.11.2011 are annexed herewith as **ANNEXURE R-2(Colly)**.

VERIFICATION:

Verified that the contents of my foregoing affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therein. Verified on this the ___ day of November 2011.

Rns

DEPONENT

कुलसचिव / Registrar
दिल्ली विश्वविद्यालय
University of Delhi
दिल्ली-110007/Delhi-110007

Rns

DEPONENT

कुलसचिव / Registrar
दिल्ली विश्वविद्यालय
University of Delhi
दिल्ली-110007/Delhi-110007