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

+ W.P.(C) 822/2011

DELHI UNIVERSITY TEACHER ASSOCIATION AND ANRPetitioner

Through Mr. V.K. Rao, Sr. Adv. with Mr.  
Saket Sikri, Adv.

versus

UNIVERSITY OF DELHI AND ANR ..... Respondent

Through Mr. Parag P. Tripathi, ASG with  
Mr. M.J.S. Rupal, Ms. Monisha  
Handa, Adv.

+ W.P.(C) 2764/2011

NANDINI DUTTA AND ORS ..... Petitioner

Through Mr. Colin Gonsalves, Sr. Adv. with  
Mr. Tariq Adeeb, Adv.

versus

UNIVERSITY OF DELHI AND ORS ..... Respondent

Through Mr. Parag P. Tripathi, ASG with  
Mr. M.J.S. Rupal, Ms. Monisha  
Handa, Adv.  
Mr. Sachin Dutta, Adv. for UOI.  
Mr. Amitesh Kumar, Adv. for  
UGC.

**CORAM:**

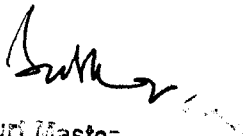
**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**ORDER**

% **28.04.2011**

This Court while dealing with W.P.(C) No.7248/2010 on 8<sup>th</sup>

  
Court Master  
High Court of Delhi  
New Delhi

February, 2011 had passed the following order:-

“Heard Mr. Saurabh Prakash, learned counsel for the petitioner and Mr. V.P. Singh, Mr. V.K. Rao, learned senior counsel, Mr. MJS Rupal, Mr. Saket Sikri, Mr. A.P.S. Ahluwalia, Mr. S.S. Ahluwalia, Mr. Mayank Manish, Mr. Yashish Chandra, Ms. Beenashaw Soni, Mr. Anurag Mathur and Mr. Rajinder Dhawan, learned counsel for the respondents. Learned counsel appearing for all the parties stated that by virtue of the orders passed on 15<sup>th</sup> November, 2010 and 24<sup>th</sup> November, 2010, nothing survives in this writ petition and the directions given therein have to be treated final for all purposes.

2. We may note with profit that Mr. V.K. Rao, learned senior counsel had on earlier occasion fairly stated that the respondents would take recourse to legal mode assailing the order or the decision introducing the semester system in Delhi University and till there is an order of stay or injunction by this Court in this writ petition, they shall teach in the semester mode. Thus, it is quite vivid that the aforesaid two orders shall be treated final for all purposes. The teachers teaching in the University or the affiliated colleges shall not go on strike and impart education in the semester system.

3. We may hasten to clarify the Delhi University Teachers Association has approached this Court challenging the decision of the University in W.P.(C) 822/2011 wherein this Court has issued notice and fixed a date for final hearing. Decision of the University qua semester mode shall be debated in the said writ petition, as in this writ petition the said issue was not addressed and leave was granted. Thus, nothing remains to be adjudicated in the present writ petition.

4. The writ petition is accordingly disposed of. No order as to costs.”

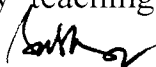


Today Mr. V.K. Rao, learned senior counsel appearing for Delhi University Teacher Association fairly stated that as far as the members of association are concerned, they are following the order passed by this Court in letter and spirit and they have no intention to commit contempt of the Court. Mr. Rao states that if there is any kind of violation by any member of the association, he shall bring it to the notice of the Court.

Be it noted, in W.P.(C)2764/2011, which has been listed for the first time, Mr. P.P.Tripathi, learned Additional Solicitor General accepts notice.

Mr. Colin Gonsalves, learned senior counsel appearing for the petitioner submitted that he has been compelled to file another writ petition as the respondents have passed various orders and there is no bar to go for 'peaceful protest'. We are at a loss to understand when the matter is sub-judice and we are addressing the lis, why should there be any need and cause for 'peaceful protest'. There can be difference of opinion, but that has to be expressed with dignity and virtuosity which is expected from a teacher.

In view the aforesaid, we hope and trust that the teachers of the university do not disrupt teaching schedules or harbour the notion of 'peaceful protest' by teaching outside the classrooms or in tents, but



follow the semester system as per our previous directions. Interest of the students and the institution is paramount. If they have any grievance, they can file an application in the pending cases or even seek review of the earlier order.

Let these two writ petitions be listed for hearing at the admission stage on 11<sup>th</sup> May, 2011. Pleadings shall be completed in the meantime.

Order dasti under signature of the Court Master.

*SA*

**CHIEF JUSTICE**

*SA*

**SANJIV KHANNA, J.**

**APRIL 28, 2011**  
NA

*Sanjiv Khanna*  
*30/4/11*  
**Court Master**  
**High Court of Delhi**  
**New Delhi**