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

+ W.P.(C) 3010/2025

VISHAL KUMAR RAI

.....Petitioner

Through: Dr. Amit George, Ms. Rakshita Goyal & Ms. Ibansara Syiemlieh, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Monika Arora, CGSC with Mr. Subhrodeep Saha, Mr. Prabhat Kumar, Advocates for R-1, 4 & 5. [M:-9810246300].

Mr. Chetan Sharma, ASG for University with Mr. K.K. Mishra, ASC for Jamia Millia Islamia.

Mr. Sandeep Kumar Mahapatra, Mr. Sugam Kumar Jha & Mr. Tribhuvan, Advocates for R-3.

Mr. Ankur Chhibber & Mr. Nikunj Arora, Advocates for R-6, 7 & 8.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **10.03.2025**

CM APPL. 14245/2025(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3010/2025 & CM APPL. 14244/2025 (*ad-interim relief*)

1. The petitioner seeks a writ of *quo warranto* against appointment of respondent No. 3 as the Vice-Chancellor of the respondent No. 5- Jamia Millia University.



2. Mr. Chetan Sharma, learned Additional Solicitor General, who appears for the University, and Ms. Monika Arora, learned Central Government Standing Counsel for the Union of India [“UoI”], challenge the maintainability of the writ petition on several grounds, including the petitioner’s locus and the scope of challenge in a petition for a writ of *quo warranto*. They also submit that the petitioner has annexed to the writ petition, “Summary Notes” submitted by UoI to the Hon’ble President of India, who is the visitor of the University. They call upon the petitioner to provide details of the provenance of these documents in his hands, and also state clearly as to how he has affirmed these annexures as true copies of their respective originals. Ms. Arora also draws my attention to Article 74(2) of the Constitution, which prohibits judicial inquiry into the question of whether any, and if so what, advice was tendered by Ministers to the President.

3. Learned counsel for the respondents submit that most of the questions raised in this petition have been answered against the petitioner in the Division Bench decision of this Court in *M. Ehtesham UL Haque v. Union of India* [(2023) SCC OnLine Del 2962], which also concerns the appointment of a Vice Chancellor in the same University.

4. Dr. Amit George, learned counsel for the petitioner, submits that judicial decisions have established that an application for a writ of *quo warranto* can be maintained by any citizen, without application of the strict restriction of locus. He further submits that the documents referred to by learned counsel for respondents have been published online on a news website – Illustrated Daily News and have been accessed by him from the said website.



5. After some hearing, Dr. George submits that he does not seek any interim orders at this stage.

6. Subject to the objection on maintainability, notice is issued in the writ petition. Ms. Arora accepts notice on behalf of respondent Nos. 1, 4 and 5 and Mr. K.K. Mishra, learned counsel, accepts notice on behalf of University. Four individual members of Executive Council have been impleaded in the writ petition as respondent Nos. 6 to 9. I do not consider it necessary to issue notice to the said respondents at this stage.

7. The respondents are at liberty to file their counter affidavits within four weeks from today. Rejoinder thereto, if any, may be filed within two weeks thereafter.

8. List on 16.07.2025.

PRATEEK JALAN, J

MARCH 10, 2025

'pv/JM'/