

IN THE HIGH COURT OF DELHI AT NEW DELHI**CIVIL ORIGINAL WRIT JURISDICTION****WRIT PETITION (CIVIL) NO. _____ OF 2020**

(Under Article-226 of the Constitution of India)

IN THE MATTER OF:

DR. PRASANNANSHU

...PETITIONER

VERSUS

SELECTION COMMITTEE FOR VICE CHANCELLOR,
NATIONAL LAW UNIVERSITY, DELHI
AND ORS

...RESPONDENTS

I N D E X

S. No.	Particulars	Pag e No(s)	Cour t Fee
1.	COURT FEES	5	
2.	URGENT APPLICATION	6-7	Rs-3
3.	NOTICE OF MOTION	8	
4.	MEMO OF PARTIES	9-10	
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6.	WRIT PETITION WITH AFFIDAVIT IN SUPPORT OF PETITIONER	17-61	Rs-50/-

7.	<u>ANNEXURE P-1 (COLLY.):</u> COPY OF THE APPOINTMENT LETTER AND PROMOTION LETTER ISSUED TO THE PETITIONER BY RESPONDENT NO.2	62-64	Rs-2/-
9.	<u>ANNEXURE P-2:</u> COPY OF THE OFFICIAL NOTIFICATION DATED 11.10.2019 INVITING NOMINATIONS FOR VC POST, NLUD	65-66	Rs-2/-
10.	<u>ANNEXURE P-3 (COLLY.):</u> COPY OF THE EMAIL DATED 11.11.2019 ALONG WITH DULY FILED PROFORMA CONTAINING DETAILS OF THE PETITIONER'S QUALIFICATIONS, WORKING EXPERIENCE; PUBLICATIONS, ETC.	67-81	Rs-2/-
11.	<u>ANNEXURE P-4:</u> COPY OF THE REPRESENTATION DATED 03.06.2020 MADE BY THE PETITIONER BEFORE HON'BLE CHANCELLOR, NATIONAL LAW UNIVERSITY, DELHI	82-87	Rs-2/-
12.	<u>ANNEXURE P-5</u> COPY OF REGULATION 7.0.0 AND ITS CONTENTS, UGC 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, 2018	88-89	Rs-2/-

13.	<u>ANNEXURE P-6</u> COPY OF NATIONAL LAW UNIVERSITY ACT 2007(DELHI ACT NO.1 OF 2008) - AS AMENDED BY ACT 7 OF 2009)	90-116	Rs-2/-
14.	<u>ANNEXURE P-7:</u> COPY OF THE BAR COUNCIL OF INDIA ARTICLE TITLED AS REFORM OF LEGAL EDUCATION IN INDIA: NOTE ON PROPOSED DIRECTIONS FOR REFORM	117-123	Rs-2/-
15.	<u>C.M.APPL.NO. OF 2020:</u> APPLICATION SEEKING EXEMPTION FROM FILING ORIGINAL DOCUMENTS AS ANNEXED WITH THE PRESENT WRIT PETITION	124-127	Rs-5/-
16.	<u>C.M.APPL.NO. OF 2020:</u> APPLICATION SEEKING EXEMPTION FROM FILING DULY AFFIRMED AFFIDAVIT(S) AND COURT FEES WITH AFFIDAVIT	128-131	Rs-5/-
17.	<u>C.M.APPL.NO. OF 2020:</u> APPLICATION SEEKING STAY ON PROCEEDINGS IN THE APPOINTMENT OF VICE CHANCELLOR, NLU DELHI AS INTERIM RELIEF UNTIL THE OUTCOME OF THE INCUMBENT WRIT PETITION ALONG WITH AFFIDAVIT IN SUPPORT	132-136	Rs-5/-
18.	<u>ANNEXURE P-8:</u> COPY OF AADHAR CARD OF THE PETITIONER	137	Rs-2/-

19.	<u>ANNEXURE P-9:</u> PROOF OF SERVICE UPON THE RESPONDENT	137A	Rs-2/-
20.	VAKALATNAMA	138- 139	Rs-25/-
Total Court Fees			Rs- 101/-

PETITIONER

THROUGH

DELHI
DATED: 17.06.2020

KARAN SUNEJA
(ADVOCATE FOR THE PETITIONER)

OFF. ADDRESS: CHAMBER NUMBER 204, LAWYERS CHAMBER
BLOCK, ROHINI COURTS, SECTOR-14, ROHINI, DELHI-110085
EMAIL ADDRESS: *mail.ksadvocates@gmail.com*

IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

(Under Article-226 of the Constitution of India)

IN THE MATTER OF:

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SELECTION COMMITTEE FOR VICE CHANCELLOR,
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URGENT APPLICATION

To,
The Registrar,
High Court of Delhi,
Sir/Madam,

Kindly treat the accompanying petition as urgent as per High Court Rules. The ground of urgency is that process of appointing the Vice-Chancellor in the Respondent No. 2 university is about to be completed and that the rights of the petitioner have been violated blatantly and if the incumbent petition is not listed at the earliest then there shall be an irreparable loss to the petitioner which shall not be undone, if effectuated. Thus, kindly do the needful as the same requires urgent attention and directions of this Hon'ble Court.

Thanking you.

Yours sincerely,

KARAN SUNEJA

(ADVOCATE FOR THE PETITIONER)

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WRIT PETITION (CIVIL) NO. _____ OF 2020

(Under Article-226 of the Constitution of India)

IN THE MATTER OF:

DR. PRASANNANSHU

...PETITIONER

VERSUS

SELECTION COMMITTEE FOR VICE CHANCELLOR,
NATIONAL LAW UNIVERSITY, DELHI
AND ORS

...RESPONDENTS

NOTICE OF MOTION

To,

Standing Counsel of Respondents

Sir/ Madam,

The above-mentioned Writ Petition is being filed by me before this Hon'ble Court. The same is likely to be listed on 22.06.2020 or so soon thereafter. Kindly take notice accordingly.

Dated: 17.06.2020

Place: New Delhi

KARAN SUNEJA

(ADVOCATE FOR THE PETITIONER)

OFF. ADDRESS: CHAMBER NUMBER 204, LAWYERS CHAMBER
BLOCK, ROHINI COURTS, SECTOR-14, ROHINI, DELHI-110085
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IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2020
(Under Article-226 of the Constitution of India)

MEMO OF PARTIES

IN THE MATTER OF:
DR. PRASANNANSHU

... PETITIONER

VERSUS

**1. THE SELECTION COMMITTEE FOR VICE-CHANCELLOR
NATIONAL LAW UNIVERSITY DELHI
THROUGH ITS CONVENOR**

SHERSHAH ROAD, JUSTICE SB MARG,
NEW DELHI- 110503
(Email: rg.dhc@nic.in)

**2. NATIONAL LAW UNIVERSITY DELHI
THROUGH ITS REGISTRAR,**

SECTOR-14, DWARKA
NEW DLEHI-110078
(Email: ssurendradutt@gmail.com
S.vashishtha@oxfordalumni.org
registrar@nludelhi.ac.in)

...RESPONDENTS

PETITIONER

THROUGH

DELHI

DATED: 17.06.2020

KARAN SUNEJA

(ADVOCATE FOR THE PETITIONER)

OFF. ADDRESS: CHAMBER NUMBER 204, LAWYERS CHAMBER
BLOCK, ROHINI COURTS, SECTOR-14, ROHINI, DELHI-110085

EMAIL ADDRESS: *mail.ksadvocates@gmail.com*

SYNOPSIS

The crux of the matter in order to the filing of the incumbent writ petition necessitates from the fact that a notification was issued by the convener of the selection committee of the National Law University, Delhi on 11 October 2019 inviting nominations for the post of Vice-Chancellor, National Law University, Delhi.

The eligibility, terms and conditions for the post of Vice-Chancellor, National Law University, Delhi were prescribed in the said notification itself which have been mentioned in detail in the contents of the petition.

That the Petitioner herein applied for the post of Vice Chancellor, National Law University, Delhi on 11 November 2019 in the prescribed format, within the time period prescribed for applying, after duly verifying the requirements, as prescribed in the advertisement, dated 11.10.2019 for this position.

It came to the knowledge of the Petitioner that the Selection Committee met on 5 February 2020 and decided to call the applicants for an interaction on 25 February 2020. That the Petitioner neither received any communication to be

present in this interaction meeting nor did he get any letter highlighting reasons for not inviting his candidature to the interview despite meeting the requirements enshrined in the advertisement dated 11.10.2019.

That the petitioner was not called, despite fulfilling all the requirements, by the Selection committee whereby other candidates were duly called for the said post hence the petitioner was not treated at par with the other candidates. Therefore, the fundamental right of the Petitioner was violated as enshrined under Article 14, The Constitution of India, 1950 i.e. right to equality.

Article 14 guarantees to every person the right to equality before the law or the equal protection of the laws. The guiding principle of this Article is that all persons and things similarly circumstanced shall be treated alike both in respect of privileges conferred and liabilities imposed. Equality before the law, means that amongst equals should be equal and equally administered and that like should be treated alike.

Article 14 forbids class legislation; it does not forbid classification or differentiation which rests upon reasonable

grounds of distinction. The varying needs of different classes of persons require different treatment. In order to pass the test for permissible classification two conditions must be fulfilled, namely: (1) the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (2) the differentia must have a rational nexus with the object sought to be achieved by the statute in question. That the petitioner's right to be equally treated by the concerned Committee has not been respected and he has been treated differently and as a necessary corollary he has been discriminated by the selection committee as the principle of *intelligible differentia* which is a part of Article 14 of the Constitution of India was not duly applied in this case. Hence, the procedure adopted by the Selection Committee is grossly illegal, arbitrary, unreasonable and not germane to the principle of *intelligible differentia*. The principle of reasonableness, which logically as well as philosophically, is an essential element of equality or non-arbitrariness and wherever any arbitrariness or unreasonableness is found then there, is a

denial of rule of law.

Thus, the classification must not be “arbitrary, artificial or evasive” but must be based on some real and substantial bearing to the object sought to be achieved. Article 14 applies where equals are treated differently without any reasonable basis. But where equals and unequal are treated differently, Article 14 does not apply. In the incumbent factual matrix there is no reasonable explanation or objective assigned by the selection committee when it chose to call other candidates and not the petitioner.

That a representation dated 03.06.2020 sent to the Hon’ble Chancellor, National Law University, Delhi (Copy to Registrar General, Delhi High Court and to the PS to the Chancellor) to look into the matter and thereby providing transparent and fair opportunity to the Petitioner to be called by the selection committee for the post of vice chancellor but no response has been received by the Petitioner till the date of filing of the incumbent writ petition. Hence, the instant writ petition.

LIST OF DATES AND EVENTS

01.07.2009	Petitioner joined Respondent No. 2 as an Associate Professor.
01.07.2015	Petitioner was promoted to the post of Professor by Respondent No. 2.
11.10.2019	A notification issued by the convener of the selection committee of the National Law University, Delhi on 11 October 2019 inviting nominations for the post of Vice-Chancellor, National Law University, Delhi. The eligibility, terms and conditions for the post of Vice-Chancellor, National Law University, Delhi were prescribed in the said notification itself.
11.11.2019	Petitioner applied for the post of Vice Chancellor, National Law University, Delhi on 11 November 2019 in the prescribed format, within the time period prescribed for applying, after duly verifying the requirements, as prescribed in the advertisement, dated 11.10.2019.
05.02.2020	Selection Committee met on 5 February 2020 and decided to call the applicants for an interaction on 25 February 2020.
25.02.2020	Meeting of Selection committee took place.

03.06.2020	A representation dated 03.06.2020 sent to the Hon'ble Chancellor, National Law University, Delhi (Copy to Registrar General, Delhi High Court and to the PS to the Chancellor) to look into the matter and thereby providing transparent and fair opportunity to the Petitioner to be called by the selection committee for the post of vice chancellor but no response has been received by the Petitioner till the date of filing of the incumbent writ petition.
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PETITIONER

THROUGH

DELHI
DATED: 17.06.2020

KARAN SUNEJA
(ADVOCATE FOR THE PETITIONER)

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NATIONAL LAW UNIVERSITY, DELHI
AND ORS

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 226, CONSITITUTION OF INDIA, 1950 PRAYING FOR ISSUANCE OF WRIT, ORDER(S) OR DIRECTION(S) IN THE NATURE OF MANDAMUS THEREBY; (A) QUASHING THE DECISION/ORDER OF THE SELECTION COMMITTEE TAKEN ON 05.02.2020 TO CONDUCT PROCEEDINGS FOR THE APPOINTMENT TO THE POST OF VICE CHANCELLOR ON 25.02.2020 (COPY OF SAID ORDER/DECISION NOT AVAILABLE WITH THE PETITIONER) AS ALSO TO QUASH THE DECISION/ORDER MADE BY THE SELECTION COMMITTEE TO NOMINATE ANY CANDIDATES TO THE GOVERNING COUNCIL AND (B) DIRECTING THE RESPONDENTS TO TAKE EFFECTIVE STEPS WITH A VIEW TO IMMEDIATELY TAKE INTO CONSIDERATION THE CANDIDATURE OF THE PETITIONER TO THE POST OF VICE-CHANCELLOR

To,

THE HON'BLE CHIEF JUSTICE & HIS COMPANION JUSTICES OF
THIS HON'BLE COURT

THE HUMBLE PETITION OF THE PETITIONER ABOVE-NAMED:

MOST RESPECTFULLY SHOWETH:

1. The incumbent writ petition is filed for seeking indulgence of this Hon'ble Court for issuance of writ, order(s) or direction(s) in the nature of mandamus thereby; (a) quashing the decision/order of the selection committee taken on 05.02.2020 to conduct proceedings for the appointment to the post of vice chancellor on 25.02.2020 as also to quash the decision/order made by the selection committee to nominate any candidates to the governing council and (b) directing the respondents to take effective steps with a view to immediately take into consideration the candidature of the petitioner to the post of vice-chancellor.

2. **PRE-REQUISITES DETAILS**

A. THE PETITIONER

1. As a matter of prefatory statement it is submitted before this Hon'ble court that the petitioner is a Professor teaching various things such as Law and Language, Law and Literature, Law and Communication, Law and Poetry, Law and Culture, Linguistic Justice and Endangered Languages etc. in the National Law University, Delhi (hereinafter "NLUD" in short).
2. He has been active in publishing, speaking on, and promoting in the interdisciplinary areas of Law, in India and abroad as the following non-exhaustive list would indicate:
 - a. BOOK PUBLISHED IN 2016. LAW AND LITERATURE: READINGS IN ENGLISH, PUBLISHED BY LEXISNEXIS. ISBN: 9789350357255
 - b. 2015. ENGLISH AND LANGUAGE RESEARCH FOR LL.B. AND OTHER PROFESSIONAL AND TECHNICAL COURSES: AN EMPIRICAL APPROACH. PUBLISHED BY OSBERT PUBLISHING HOUSE, DELHI, INDIA, ISBN: 978-93-85212-95-6
 - c. 2015. TAXMANN'S LEGAL GENERAL KNOWLEDGE BY GUPTA, RK; PRASANNANSHU, AND URVASHI PRASANNANSHU. MARCH 2015, ISBN: 9789350716182: PAPERBACK, 276 PAGES
 - d. EDITED VOLUME: INTERACTIONS BETWEEN CULTURE AND LAW IN INDIA AND EUROPE (INFLUENCE RÉCIPROQUE ENTRE CULTURE ET DROIT EN INDE ET EUROPE; WECHSELWIRKUNGEN ZWISCHEN KULTUR UND RECHT IN INDIEN UND EUROPA). EDITED BY JÖRG LUTHER, PRASANNANSHU, AND STEPHANIE ROHLFING-DIJOUX.

- e. PRASANNANSHU. (2019). WILFUL SELF-TERMINATION OF LIFE: EVOLUTION ACROSS JURISPRUDENCES, AND LINGUISTIC EXPLORATION OF HYPONYMS. IN *INTERACTIONS BETWEEN CULTURE AND LAW IN INDIA AND EUROPE (INFLUENCE RÉCIPROQUE ENTRE CULTURE ET DROIT EN INDE ET EUROPE; WECHSELWIRKUNGEN ZWISCHEN KULTUR UND RECHT IN INDIEN UND EUROPA)*. EDITED BY JÖRG LUTHER, PRASANNANSHU, AND STEPHANIE ROHLFING-DIJOUX. ISBN 978-88-255-2474-1. DOI 10.4399/978882552474113. PP 169-213 (PUBLISHED BY ARACNE EDITRICE, ITALY. PUBLISHER LINK: [HTTP://WWW.ARACNEEDITRICE.IT/ARACNEWEB/INDEX.PHP/PUBBLICAZIONE.HTML?ITEM=9788825524741](http://www.aracneeditrice.it/aracneweb/index.php/pubblicazione.html?item=9788825524741))
 - f. PRASANNANSHU. (2019). SALLEKHANA: LINGUISTIC, LEGAL, PHILOSOPHICAL, AND RELIGIO-CULTURAL PERSPECTIVES. IN *PERSPECTIVES OF LAW AND CULTURE ON THE END-OF-LIFE LEGISLATIONS IN FRANCE, GERMANY, INDIA, ITALY AND UNITED KINGDOM*. PUBLISHED BY PROF. DR. STEPHANIE ROHLFING-DIJOUX AND PROF. DR. UWE HELLMANN. 311 S., BROSCHE. 79,- €. ISBN 978-3-8487-5492-2. NOMOS-SHOP.DE/40532. PUBLISHER: NOMOS VERLAGSGESELLSCHAFT, GERMANY
 - g. PRASANNANSHU. (2017). LAW SCHOOL AND THE LANGUAGE SCIENCES: A PERSPECTIVE OF HUMANITIES. CHAPTER IN 'WAYS WITH LANGUAGE'. EDITORS: SHAILENDRA KUMAR SINGH, KAVITA RASTOGI, PRASANNANSHU, ET. AL., LAKSHI PUBLISHERS AND DISTRIBUTORS, NEW DELHI. ISBN: 978-93-82120-99-5.
 - h. 2015. LANGUAGE, LITERATURE AND COMMUNICATION IN THE CURRICULUM OF LAW. MEWAR JOURNAL OF LAW. JANUARY-JUNE 2015. ISSN 0973-8800
 - i. 2012. LAW AND LINGUISTICS. THE INTERDISCIPLINARY JOURNAL OF LINGUISTICS. VOLUME [5] 2012, PP. 159-168. ISSN NUMBER 09743421. A REFEREED JOURNAL.
- CURRENTLY GUIDING A PHD THESIS ON 'REVIEWING JUDGMENTS AND DOCUMENTS TO IDENTIFY JUDICIAL

ACTIVISM: AN APPROACH OF DISCOURSE ANALYSIS' AS A CO-SUPERVISOR SINCE 22 DECEMBER 2017.

- AS A LINK COORDINATOR ORGANIZED THE SIGNING OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN L'UNIVERSITÉ PARIS OUEST NANTERRE LA DEFENSE, FRANCE AND NATIONAL LAW UNIVERSITY, DELHI, INDIA FOR COOPERATION IN THE INTERDISCIPLINARY FIELD OF LEGAL LANGUAGE, COMMUNICATION AND LITERATURE STUDIES IN AUGUST 2015.
- DEVELOPED THE MATERIAL AND CURRICULUM FOR A COURSE TITLED, 'LAW AND LANGUAGE' FOR THE STUDENTS OF B.A., LL.B., FIRST SEMESTER OF THE NATIONAL LAW UNIVERSITY, DELHI.
- DEVELOPED THE MATERIAL AND CURRICULUM FOR A COURSE TITLED, 'LANGUAGE, COMMUNICATION, AND JUDGMENT WRITING' FOR THE FIRST-SEMESTER STUDENTS OF P.G. DIPLOMA IN JUDGING AND COURT MANAGEMENT OF THE NATIONAL LAW UNIVERSITY, DELHI.
- DEVELOPED THE MATERIAL AND CURRICULUM FOR A COURSE TITLED, 'PROFESSIONAL COMMUNICATION SKILLS' FOR THE SECOND-SEMESTER STUDENTS OF B.A., LL.B. OF THE NATIONAL LAW UNIVERSITY, DELHI.
- COMMUNICATION SKILLS FOR LAWYERS, DELIVERED LECTURES IN MARCH-APRIL 2015 FOR BACHELOR (LLB) STUDENTS AT UNIVERSITY PARIS OUEST NANTERRE LA DEFENSE, FRANCE.
- DELIVERED LECTURES IN MARCH-APRIL 2015 FOR MASTER 1 (LLM) STUDENTS IN 'COMMUNICATION SKILLS FOR LAWYERS', AT UNIVERSITY PARIS OUEST NANTERRE LA DEFENSE, FRANCE.
- **INTERNATIONAL WINTER SCHOOLS/COLLOQUIUMS ON LAW, LANGUAGE, AND CULTURE:** SINCE 2017 CO-ORGANIZING INTERNATIONAL WINTER SCHOOLS ON LAW, LANGUAGE, AND CULTURE. THESE ARE POSSIBLY THE BIGGEST AND MOST IMPORTANT SUCH EVENTS IN THE WORLD. THE **FIRST** EDITION OF THIS EVENT WAS HELD IN DELHI IN FEB. 2017 (PROCEEDINGS PUBLISHED BY ARACNE EDITRICE, ITALY); THE **SECOND**, IN FLORENCE, ITALY IN JUNE 2018 (PROCEEDINGS PUBLISHED BY: NOMOS VERLAGSGESELLSCHAFT, GERMANY), AND THE **LATEST** EDITION WAS HELD IN DELHI FROM 24-28 FEBRUARY 2020,

IN COLLABORATION WITH NATIONAL LAW UNIVERSITY, DELHI, UNIVERSITY PARIS NANTERRE, FRANCE, AND POTSDAM UNIVERSITY, GERMANY WITH A FUNDING SUPPORT FROM FRANCO-GERMAN UNIVERSITY

- WAS A CO-DIRECTOR, ALONG WITH UWE HELLMANN, PROFESSOR, UNIVERSITÄT POTSDAM, AND STEPHANIE ROHLFING-DIJOUX, PROFESSOR, UNIVERSITÉ PARIS OUEST NANTERRE OF A **FIVE-NATION** COLLOQUIUM (FRANCE / GERMANY / ITALY / GREAT BRITAIN / INDIA) ON THE THEME OF 'LAW AND CULTURE: INTERDISCIPLINARY APPROACH TO END-OF-LIFE CARE' HELD AT VILLA FINALY, FLORENCE, ITALY DURING 25 – 27 JUNE 2017.
- WAS A CO-DIRECTOR OF THE TRI-NATIONAL WINTER UNIVERSITY (GERMANY / FRANCE / INDIA) HOSTED BY NATIONAL LAW UNIVERSITY, DELHI FROM 20 TO 26 FEBRUARY 2017 IN COLLABORATION WITH UNIVERSITE PARIS OUEST NANTERRE LADEFENSE, AND UNIVERSITAT POTSDAM. THIS WINTER UNIVERSITY WAS FUNDED BY L'UNIVERSITÉ FRANCO-ALLEMANDE (UFA) - DEUTSCH-FRANZÖSISCHE HOCHSCHULE. THE THEME WAS 'INTERACTIONS BETWEEN CULTURE AND LAW IN EUROPE AND INDIA'. AROUND 38 STUDENTS AND 12 PROFESSORS FROM POTSDAM (GERMANY) AND NANTERRE (FRANCE), PARTICIPATED, IN ADDITION TO INDIAN ACADEMICS, STUDENTS AND RESEARCHERS. THE CO-DIRECTORS WERE PROF. (DR.) PRASANNANSHU, PROFESSOR, NLU DELHI, PROF. (DR.) TOBIAS LETTL, PROFESSOR, UNIVERSITÄT POTSDAM, AND PROF. (DR.) STEPHANIE ROHLFING-DIJOUX, PROFESSOR, UNIVERSITÉ PARIS OUEST NANTERRE.
- ORGANIZED THE INTERNATIONAL SEMINAR ON THE LEGALITY AND JURISPRUDENCE OF SALLEKHANA / SANTHARA/ SAMADHIMARANA/ PRAYOPAVESA IN THE INDIAN TRADITIONS, AT THE NATIONAL LAW UNIVERSITY, DELHI 26 TO 27 FEBRUARY 2016 IN COLLABORATION WITH INTERNATIONAL SCHOOL OF JAIN STUDIES (ISJS). LOYOLA MARYMOUT UNIVERSITY, LOS ANGELES, USA; UNIVERSITY OF MADRAS, CHENNAI AND TEERTHANKER MAHAVIR UNIVERSITY MORADABAD WERE THE PARTNER UNIVERSITIES.
- WAS A COORDINATOR FOR THE 'NATIONAL SEMINAR ON SURROGACY: ISSUES AND CHALLENGES', HELD ON 13-14 SEPTEMBER 2014, AND ORGANIZED BY THE INSTITUTE OF

- CHARTERED MANAGEMENT ASSOCIATION IN COLLABORATION WITH THE NATIONAL LAW UNIVERSITY, DELHI AND THE NATIONAL COMMISSION FOR WOMEN, INDIA.
- COORDINATED THE ORGANIZATION OF MS. TEREZA JANACKOVA'S NINE LECTURES ON VARIOUS ISSUES CONCERNING LAW AND LANGUAGE AT THE NATIONAL LAW UNIVERSITY, DELHI BETWEEN 10 AUGUST 2015 AND 29 SEPTEMBER 2015. SHE WORKS AS AN INTERPRETER IN ASYLUM PROCEDURES IN THE CZECH REPUBLIC.
 - WAS ONE OF THE ORGANIZERS IN THE 3RD INTERNATIONAL INFRASTRUCTURE AND CONSTRUCTION LAW ARBITRATION MOOT, 2009 HELD IN NLU, DELHI ON 14-15 NOVEMBER 2009.
 - WAS A MEMBER OF THE ORGANISING COMMITTEE OF THE NATIONAL SEMINAR ON 'CONSUMER PROTECTION: NEW-AGE CHALLENGES' ORGANISED BY NATIONAL LAW UNIVERSITY DELHI IN COLLABORATION WITH THE CENTRE FOR CONSUMER STUDIES, IIPA, NEW DELHI ON 19-20 FEB. 2016 .
 - **FRANCE:** DELIVERED THE SOLE TALK IN A 'CONFERENCE' TITLED: 'ELEMENTS OF HUMANITIES IN LEGAL EDUCATION: AN INFUSION OF LITERATURE, LANGUAGE AND COMMUNICATION SKILLS' ON 30 MARCH 2015 AT UNIVERSITÉ PARIS OUEST NANTERRE LA DÉFENSE, FRANCE.
 - **FRANCE:** AS A GUEST PROFESSOR DELIVERED LECTURES, BETWEEN 28 MARCH AND 10 APRIL 2015, TO MASTER 1 (LLM) AND BACHELOR (LLB) STUDENTS ON 'COMMUNICATION SKILLS FOR LAWYERS' OF THE UNIVERSITÉ PARIS OUEST NANTERRE LA DÉFENSE, FRANCE.
 - DELIVERED LECTURES ON 1-2 MARCH 2017 IN THE FACULTY OF LAW, DELHI UNIVERSITY TO PH.D. SCHOLARS ON THE TOPIC "COMMUNICATION: DELIVERING A CLASS".
 - DELIVERED A LECTURE ON 'LAW AND LANGUAGE' ON 4 MAY 2015 AT NLU ASSAM
 - DELIVERED A LECTURE ON 'LAW, LITERATURE AND COMMUNICATION SKILLS' ON 16 FEBRUARY 2015 AT THE GUJRAT NATIONAL LAW UNIVERSITY.
 - CONDUCTED AN ENGLISH COURSE WORKSHOP DURING 20-29 JANUARY 2014 FOR THE B.A., L.L.B. (HONS.) FIRST YEAR STUDENTS IN THE TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI. DURING THIS PERIOD HELPED IN PREPARING THE COURSE MATERIALS, AND DELIVERED CLASSROOM LECTURES.

- 8 JULY 2011. DELIVERED A TALK ON 'FORENSIC LINGUISTICS' AS A PART OF THE 'RAJIV GANDHI ADVOCATES TRAINING SCHEME' HELD AT THE NATIONAL LAW UNIVERSITY, DELHI.
- DELIVERED A LECTURE ON COMMUNICATION SKILLS AT KARKARDOOMA MEDIATION CENTRE AS A RESOURCE PERSON IN AN ADVANCED COURSE ON 'EFFECTIVE COMMUNICATION DURING MEDIATION' FOR THE MEDIATORS (JUDGES AND ADVOCATES) ON 28 AUGUST 2010.
- DELIVERED TWO LECTURES ON COMMUNICATION SKILLS TO A NEWLY RECRUITED OFFICER OF THE DELHI HIGHER JUDICIAL SERVICE ON 7 AUGUST 2010, AS A RESOURCE PERSON FOR THE ORIENTATION COURSE HELD AT THE KARKARDOOMA COURTS COMPLEX, SHAHDRA, DELHI.
- DELIVERED FOUR LECTURES ON COMMUNICATION SKILLS TO THE NEWLY RECRUITED OFFICERS OF THE DELHI JUDICIAL SERVICE ON 9 MARCH 2010, AS A RESOURCE PERSON FOR THE INDUCTION TRAINING THAT WAS HELD AT THE KARKARDOOMA COURTS COMPLEX, SHAHDRA, DELHI.
- DELIVERED A LECTURE ON 16 MARCH 2017 IN FACULTY OF LAW, DELHI UNIVERSITY IN THE FACULTY DEVELOPMENT PROGRAMME.
- CHAIRED THE SESSION ON: 'LAW, LANGUAGE, COMMUNICATION AND HEARING IMPAIRMENT' AT THE 'REGIONAL CONFERENCE ON HEARING IMPAIRMENT: ISSUES AND MAINSTREAMING', JOINTLY ORGANIZED BY THE NATIONAL REHABILITATION INSTITUTE, CHANDIGARH (REGD.); NATIONAL INSTITUTE OF TECHNICAL TEACHERS' TRAINING & RESEARCH, CHANDIGARH, AND PT. JR. GOVERNMENT POLYTECHNIC COLLEGE, HOSHIARPUR ON 5-6 JULY 2013 AT PT. J.R. GOVERNMENT POLYTECHNIC, HOSHIARPUR, PUNJAB.
- PRESENTED AS A KEYNOTE SPEAKER A PAPER TITLED 'LINGUISTICS AND COMMUNICATION IN THE CURRICULUM OF LAW' AT THE NATIONAL CONFERENCE ON 'LAW EDUCATION AND TEACHERS' AT THE BALAJI COLLEGE OF EDUCATION, BALLABHGARH, HARYANA ON 27 FEBRUARY 2010.
- PRESENTED A PAPER TITLED, 'SOME ISSUES ASSOCIATED WITH SALLEKHANA AT THE INTERNATIONAL SEMINAR ON THE LEGALITY AND JURISPRUDENCE OF SALLEKHANA / SANTHARA/ SAMADHIMARANA/ PRAYOPAVESA IN THE INDIAN TRADITIONS, AT THE NATIONAL LAW UNIVERSITY, DELHI 26 TO 27 FEBRUARY 2016.

- PRESENTED A PAPER TITLED, 'CONTRIBUTION OF LINGUISTICS TO THE FIELD OF LAW AND JUSTICE ADMINISTRATION' AT THE NATIONAL SEMINAR ON 'LINGUISTICS IN HUMANITIES' HELD ON 10-11 MARCH 2015, AT THE CENTRE FOR ADVANCED STUDIES IN LINGUISTICS, UNIVERSITY OF DELHI.
- PRESENTED A PAPER TITLED, 'LAW AND LINGUISTICS' AT THE NATIONAL SEMINAR ON 'LINGUISTICS IN THE NEW MILLENNIUM' HELD ON FRIDAY, 11 MARCH 2011 AT THE CENTRE FOR ADVANCED STUDIES IN LINGUISTICS, DEPARTMENT OF LINGUISTICS, ARTS FACULTY EXTENSION BUILDING, UNIVERSITY OF DELHI.
- ATTENDED AND SUCCESSFULLY COMPLETED THE SECOND INTERNATIONAL WORKSHOP ON EMPIRICAL LEGAL RESEARCH ORGANIZED BY THE NATIONAL LAW UNIVERSITY, DELHI AND THE SOCIETY FOR EMPIRICAL LEGAL RESEARCH, CORNELL LAW SCHOOL OF THE CORNELL UNIVERSITY NY, U.S. FROM 10-14 FEBRUARY 2014
- PARTICIPATED IN THE NATIONAL WORKSHOP ON FREEDOM OF INFORMATION: CHALLENGES AND SOLUTIONS ORGANIZED BY THE CENTRE FOR TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE, NATIONAL LAW UNIVERSITY DELHI (IN ASSOCIATION WITH THE CENTRAL INFORMATION COMMISSION, GOVERNMENT OF INDIA AND NATIONAL CAMPAIGN FOR (PEOPLE'S RIGHT TO INFORMATION, NEW DELHI) ON 6 APRIL 2013 AT THE NATIONAL LAW UNIVERSITY, DELHI.
- ATTENDED THE APCCAN-2011 (9TH-ISPCAN ASIA PACIFIC CONFERENCE ON CHILD ABUSE AND NEGLECT) HELD AT THE NATIONAL LAW UNIVERSITY AND VIGYAN BHAWAN, NEW DELHI ON 6-9 OCTOBER 2011
- ATTENDED THE 'NATIONAL SEMINAR ON AN AUDIT OF 150 YEARS OF INDIAN PENAL CODE (IPC)' HELD IN NLU, DELHI ON 4 DECEMBER 2010
- ATTENDED THE LECTURE OF PROF. MARC GALANTAR, PROFESSOR OF LAW EMERITUS, UNIVERSITY OF WISCONSIN LAW SCHOOL, U.S.A. ON 'WORLD-WIDE MULTIPLICATION OF LAWYERS' ON 22 FEB 2010.
- NORTH ZONE JUDICIAL CONFERENCE OF JUDICIAL OFFICERS ON 'ENHANCING TIMELY JUSTICE: STRENGTHENING CRIMINAL JUSTICE ADMINISTRATION' FROM 19-21 FEB 2010, HELD AT THE AUDITORIUM OF NLU, DELHI.

- ATTENDED THE TENTH ANNUAL BODH RAJ SAWHNY MEMORIAL ORATION 2010. BY PROFESSOR (DR.) UPENDRA BAXI (EX VC DU) ON 'LAW AND UNMET SOCIAL NEEDS' ON 20 FEBRUARY 2010, FROM 5:00-6:30 PM. AT THE NATIONAL LAW UNIVERSITY, DELHI.
- NATIONAL CONSULTATION FOR STRENGTHENING THE JUDICIARY TOWARDS REDUCING PENDENCY AND DELAYS. HELD AT VIGYAN BHAWAN, NEW DELHI. ORGANIZED BY THE DEPARTMENT OF JUSTICE, GOVERNMENT OF INDIA AND THE INDIAN LAW INSTITUTE. 24-25 OCTOBER 2009. ATTENDED AS A DELEGATE
- ATTENDED THE PRESIDENTIAL ADDRESS BY HMJ A.P. SHAH, CHIEF JUSTICE, DELHI HIGH COURT AND CHANCELLOR NLU; INAUGURAL ADDRESS BY HMJ K.G. BALAKRISHNAN CHIEF JUSTICE OF INDIA AND VISITOR NLU; KEYNOTE ADDRESS BY SHRI FALI S. NARIMAN, SENIOR ADVOCATE SUPREME COURT OF INDIA AT THE INAUGURATION OF POST GRADUATE DIPLOMA IN JUDGING AND COURT MANAGEMENT ON 16 NOVEMBER 2009. AT NATIONAL LAW UNIVERSITY, DELHI.
- WAS A PANELLIST IN A DISCUSSION ON LAW PERTAINING TO END OF LIFE ISSUES ORGANIZED BY THE ELICIT GROUP THAT COMPRISES OF THE MEMBERS OF INDIAN ACADEMY OF NEUROLOGY, INDIAN SOCIETY FOR CRITICAL CARE AND INDIAN PALLIATIVE CARE SOCIETY ON 10 JULY 2016 AT TAJ VIVANTA, DWARKA.

The petitioner submits undertakes to file the above said publication, editing, presentations, lectures, courses and curricula designing, research guidance, etc. in India and abroad as mentioned if he is directed by this Hon'ble Court during the course of proceedings.

3. That the petitioner joined NLUD in 2009 as an Associate Professor and later was promoted as a Professor on 01.07.2015 and he has been teaching in the said institution till date. That the petitioner's academic credentials are that he is an LL.B., M.A. (Linguistics, DU), M.A. (General Linguistics, Univ. of Groningen, The

Netherlands), M.A. (English), M.Sc. (Univ. of Potsdam, Germany), M.Phil. (DU), Ph.D. (DU). That the petitioner is a Professor at National Law University, Sector 14, Dwarka, New Delhi-110078, “Director”, Centre for Linguistic Justice and Endangered Languages, NLUD, “Project Coordinator” of 'Study and Research towards Preservation and Promotion of Indigenous and Endangered Languages' and a “Member” of the Publication Committee of the Linguistic Society of India (2018-20). That the petitioner teaches/has taught in the past various themes and subjects such as Law and Language, Law and Literature, Law and Communication, Law and Poetry, Law and Culture as a Visiting Professor at Université Paris Nanterre, France; and Università Del Piemonte Orientale (UPO), Italy. He has been a Fellow of the Institute for Advanced Studies in the Humanities, Edinburgh, U.K. and a British Academy Visiting Scholar.

(Reference: <http://nludelhi.ac.in/pep-fac-new-pro.aspx?Id=29>)

4. The academic profile of the petitioner clearly shows that he has enriched the field of Law at the highest academic levels by his interdisciplinary approach. He can be

considered a 'a distinguished academician'

B. THE RESPONDENTS

1. That the Respondent No. 1 is the selection committee of Respondent No. 1 which has been duly constituted for the purpose of appointing the VC, NLUD. That the Convener of the Selection Committee of the Respondent No. 1 is nominated by the Chancellor. (Reference: Section 20(3) of the National Law University Act, 2008)
2. That the Respondent No. 2 is National Law University, Delhi (hereinafter "**NLUD**" in short) which is a premiere law institution providing legal education and offering various courses at the undergraduate and postgraduate levels. The first and arguably the most important course offered by the NLUD is the integrated, five-year, B.A., LL.B. course. It is a dual degree programme offering the integrated degrees of B.A. and LL.B.. It is to be noted that in the first year, out of the total of 20 courses offered to the students, 8 belong to what is typically taught in a Bachelor of Arts programme, viz. two papers of English, two papers of Sociology, two papers of Political Science and two papers of Economics. In addition, there are

courses on Legal History, Legal Methods, and several Seminar Courses that are highly interdisciplinary between Law and Humanities/Social Sciences if not distinctly lying in the realm of Liberal Arts. It is an enlightened approach of the university, guided by the thinking of the Bar Council of India that Law and Legal Education does not exist in a vacuum, rather it has an important place for Humanities and Social Sciences.

The Respondent No. 1 was established in 2008 by Act No. 1 of 2008 of NCT Delhi in the National Capital Territory of Delhi with the initiative of the Honourable High Court of Delhi. (Reference: https://en.wikipedia.org/wiki/National_Law_University,_Delhi)

C. JURISDICTION

That this Hon'ble High Court has the territorial, subject matter and pecuniary jurisdiction to entertain this Writ Petition under Article 226 of The Constitution of India, 1950.

D. LOCUS STANDI

That the Petitioner is an aggrieved person by the virtue of unreasonable, arbitrary and unfair process being adopted by the Respondents for the purpose of filling the post of VC in the

Respondent No. 2 university. That the Petitioners fundamental right has been violated by the Respondents as he was not taken into consideration by the Selection Committee of the Respondent No. 2. Thus, the petitioner has locus standi in order to file the present writ petition as it directly affects his rights.

E. FACTUAL MATRIX

1. That the petitioner joined NLUD in 2009 as an Associate Professor and later on he was promoted to the post of Professor on 01.07.2015. That a copy of the appointment letter and promotion letter issued by Respondent No. 2 is annexed herewith and marked as **ANNEXURE P-1 (Colly.)**.
2. A notification dated 11.10.2019 was issued by the convener of the selection committee of the National Law University, Delhi inviting nominations for the post of Vice-Chancellor, National Law University, Delhi. A copy of the said official notification dated 11.10.2019 inviting nominations for VC post, NLUD is annexed herewith and marked as **ANNEXURE P-2**.

That the eligibility stipulation as mentioned in the notification dated 11.10.2019 is as follows:

“ELIGIBILITY AND TERMS & CONDITIONS:

(As per the UGC 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, 2018 and National Law University Act 2007(Delhi Act No.1 of 2008) – As Amended by Act 7 of 2009)

- Vice Chancellor to be a person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years of experience as Professor in a University or ten years of experience in a reputed research and / or academic administrative organization with proof of having demonstrated academic leadership.
- Vice Chancellor to be an academic person and outstanding scholar in law / relevant subject/ or an eminent jurist. He shall be a whole time salaried officer of the University.
- The Vice-Chancellor shall hold office for a term of five years or such less period as the Governing Council may decide, from the date on which he enters upon his office or until he attains the age

of seventy years, whichever is earlier, and he shall be eligible for reappointment for further term till he attains the age of seventy years.”

3. The petitioner applied for the post of vice chancellor, NLUD vide email dated 11.11.2019 along with requisite documents within the time period prescribed under the advertisement dated 11.10.2019. A copy of the email dated 11.11.2019 along with duly filed proforma containing details of the Petitioner's qualifications, working experience; publications, etc. are annexed herewith and marked as **ANNEXURE P-3 (Colly.)**.
4. That the petitioner has come to know that the selection committee conducted a meeting on 05.02.2020 for the purpose appointing and filling the vacancy to the post of Vice-Chancellor, NLUD and that it was decided by the selection committee that the applicants will be called on for an interaction on 25.02.2020 against applications received by numerous candidates who applied for the said post.
5. That the Petitioner is eligible for being appointed as a Vice-Chancellor in view of the fact that he is a distinguished academician and being an eminent jurist having more than ten years of experience in a reputed research/academic administrative organization with proof of

having demonstrated academic leadership which has been clearly mentioned in the application form duly sent by the petitioner in the prescribed format to the Respondents when he applied for the post of the Vice-chancellor herein annexed as Annexure P-3 (colly.).

6. That despite fulfilling the essential eligibility conditions and stipulations towards the candidature for the post of vice-chancellor for being called to the interaction/interview meeting inasmuch the candidates who fulfil the pre-requisites as enshrined in the advertisement are required to be called for the interaction meeting for the said post of Vice-chancellor, the Petitioner neither received any communication to be present in this interaction meeting nor did he receive any letter highlighting reasons for not being invited to the interview/interactive meeting despite meeting the requirements.
7. It is imperative to note that no call letter or communication whatsoever for the interview/interactive meeting ever came to the petitioner. It is axiomatic to further note that no reason was ever assigned/given by the selection committee to the petitioner as to why his candidature was not taken into consideration at the threshold despite fulfilling the criteria for the minimum qualifications and working experience, *inter alia*, other pre-requisites.

8. It is a matter of great concern that the act of not giving the petitioner an equal and fair opportunity vis-à-vis other candidates who were called to the interaction meeting (similar to an interview as a part of the selection process) culminates into gross violation of the fundamental right of the petitioner as enshrined under article 14 of the Indian Constitution, 1950.
9. That as the petitioner was not called, despite completing all the requirements, he felt aggrieved that his right to be equally treated by the concerned Committee was not respected as per the principle of *intelligible differentia* which is a part of Article 14 of the Constitution of India was also not duly applied in his case and therefore the petitioner made a representation dated 03.06.2020 before the Chancellor, NLUD i.e. Hon'ble Chief justice of Delhi High Court (Copy to Registrar General, Delhi High Court and to the PS to the Chancellor) to undo the loss caused to him by this arbitrary procedure adopted by the Selection Committee. That the petitioner wrote to the Chancellor, NLUD to look into the matter at hand to look into the matter to reconsider his candidature thereby providing transparent and fair opportunity to the Petitioner to be called by the selection committee for the post of vice chancellor as arbitrary process was adopted by the selection committee resulting into arbitrary

negation of the Petitioner's application as it was without following the principle of intelligible differentia which is integral to the Article 14 of the Constitution of India but no action has been taken or any response has been received by the Petitioner. A copy of the representation dated 03.06.2020 made by the petitioner before Hon'ble Chancellor, National Law University; Delhi is annexed herewith and marked as **ANNEXURE P-4**.

F. LEGAL SCENARIO

1. UGC 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, 2018

7.0 SELECTION OF PRO-VICE CHANCELLOR / VICE - CHANCELLOR OF UNIVERSITIES:

7.1 PRO-VICE-CHANCELLOR:

The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-chancellor.

7.2 *It shall be the prerogative of the Vice-Chancellor to recommend a person to be the Pro-Vice-Chancellor to the Executive Council. The*

Pro-Vice-Chancellor shall hold office for a period, which is co-terminus with that of the Vice-Chancellor.

7.3. VICE CHANCELLOR:

i. A person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years' of experience as Professor in a University or ten years' of experience in a reputed research and / or academic administrative organisation with proof of having demonstrated academic leadership.

ii. The selection for the post of Vice-Chancellor should be through proper identification by a Panel of 3-5 persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The members of such Search-cum-Selection Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the

higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Visitor/Chancellor. One member of the Search cum Selection Committee shall be nominated by the Chairman, University Grants Commission, for selection of Vice Chancellors of State, Private and Deemed to be Universities.

iii. The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search-cum-Selection Committee.

iv. The term of office of the Vice-Chancellor shall form part of the service period of the incumbent making him/her eligible for all service related benefits.

2. THE NATIONAL LAW UNIVERSITY ACT, 2007 (DELHI ACT NO. I OF 2008)

Section 2. Definitions: - *In this Act, unless the context otherwise requires:*

(1) "Academic Council" means the Academic Council of the University;

(2) "Bar Council" means the Bar Council of Delhi constituted under the

Advocates Act, 1961(25 of 1961);

.....

.....

.....,

(13) "Vice-Chancellor" means the Vice-Chancellor of the University.

Section 9. Vice-Chancellor of the University:-

(1) There shall be a Vice-Chancellor of the University who shall be appointed in the manner as provided in section 20.

(2) The term of the Vice-Chancellor shall be for a period of five years.

Section 20. The Vice-Chancellor:-

(1) The Vice-Chancellor shall be an academic person and an outstanding scholar in law or an eminent jurist. He shall be a whole time salaried officer of the University.

(2) The Vice-Chancellor shall be appointed by the Chancellor on the recommendations of the Governing. Council from out of a panel of not less than three persons recommended (the names being arranged in the alphabetical order) by a selection committee constituted under sub-section (3);

Provided that if the Chancellor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(3) The selection Committee referred to in sub-section-(2) shall consists of three members of whom one shall be nominated by the Executive Council, one by the Chairman, University Grants Commission and one by the Chancellor from among the retired or serving Judges of the High Court of Delhi. The person nominated by the Chancellor shall be the Convenor of the Committee: Provided that no person who is an employee of the University shall be nominated as the member of the selection committee.

(4) The Vice-Chancellor shall hold office for a term of five years or such less period as the Governing Council may decide, from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall be eligible for re-appointment for further term till he attains the age of seventy years: Provided that the Chancellor may require the Vice-Chancellor after his term has expired to continue in office for such period, not exceeding a total period of one year as may be specified by him.

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as prescribed by Regulations.

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Chancellor shall have the authority to designate a professor of the University to perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be:

(7) The Vice-Chancellor shall:-

(a) ensure that the provisions of this Act, Statutes and Regulations are duly observed, and he shall have all powers as are necessary for that purpose;

(b) convene the meetings of the Governing Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act;

(c) preside over the meetings of the Governing Council in the absence of the Chancellor;

(d) be the competent authority to appoint the teachers, librarians, finance officer and other officers in consultation with the Chancellor on the recommendations of the selection committee appointed by the Executive Council thereof for that purpose in accordance with the

guidelines prescribed;

(e) be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed;

(f) have all powers relating to the maintenance of proper discipline in the University.

(g) if, in his opinion, any emergency has arisen which requires that immediate action be taken, he shall take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which , in the ordinary course, would have dealt with the matter.

That a copy of relevant extracts from regulation 7.0.0 and its contents, UGC 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, 2018 is annexed herewith and marked as **ANNEXURE P-5**.

That a copy of National Law University Act 2007 (Delhi Act No.1 of 2008) – as amended by act 7 of 2009 is annexed herewith and marked as **ANNEXURE P-6**.

G. LEGAL SCENARIO VIS-À-VIS FACTUAL MATRIX

1. That the Respondents are bound by the UGC 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, 2018.
2. That the Respondents are also bound by the National Law University Act, 2007 (Delhi Act No. I of 2008).
3. That the present petition is being filed in order to challenge the unfair and arbitrary manner in which the Respondents have abused their power conferred to them by virtue of their office(s) thereby violating the fundamental right of the petitioner under article 14, Constitution of India, 1950 by not inviting/calling him for the interview/interactive session for the post of VC.
4. All teachers of Law, Humanities, Social sciences, or any other artificial division of knowledge are rightly treated equal when it comes to salary, benefits, designations, etc. In the workload the teachers of Humanities and Social Sciences are not behind any other teacher, rather they often bear greater load, as they handle their unnamed and de facto departments. It is humbly being pointed out by means of this petition that this 'equality' of work and responsibilities must also reflect in an equality of 'opportunities'.

5. That the petitioner fulfils the minimum eligibility criteria as he a distinguished academician and scholar having more than 10 years of diverse teaching experience in the Respondent No. 2 university itself. It is not out of place to submit that the Petitioner is an eminent jurist which is manifest from his application form (Annexure P-3).
6. The petitioner submitted that it is not mandatory that an eminent jurist applying for the post of VC must be a scholar in law as in view of the subjects being taught, and the interdisciplinary thrust of the modern academic thinking this is anachronous. It cannot be assumed that only a professor of law is only entitled to be VC as the word eminent jurist includes not only legal jurist but jurist in any other field as well. The petitioner submits that this thinking that only scholar in law or eminent legal jurist is to be considered has hindered the holistic, well-balanced and interdisciplinary growth of our institutions, and has ultimately affected the students and the larger academic growth of the country. Our institutions are not able to achieve their full potential because of such archaic, outdated, lopsided, distorted, regimentalized, and insular thinking, as has crept into this act. In short such provisions are not only against the principle of natural justice but act as retardants and anathema to academic growth of the country, and should be getting rid of at the

earliest opportunity, to unchain the great intellectual potential of our country. That the petitioner relies upon a document titled **Reform of Legal Education in India: Note on Proposed Directions for Reform** published on Bar council of India website. It has the following to say: Today Indian legal education is struggling in comparison to its counterparts across the world, which belies the tremendous potential that the Indian legal profession can unleash in the years to come. While India continues down its path of growth, it is essential that Indian education is reformed so that ultimately the Indian legal profession is strengthened to take on the challenges of the 21st century.' The curriculum rules would also be amended to allow students a greater choice in choosing subject of study, and law schools a wider discretion in providing options of study, with the aim of allowing for both, greater interdisciplinary and multidisciplinary approaches to the study of law, as well as a wider choice of specialisation for law students.' In addition to these subjects it is necessary to bring in various specific areas such as Arbitration, SEBI regulations, Foreign Exchange Regulations, Comparative laws and various interdisciplinary and multidisciplinary areas such as law and medicine, and law and social sciences. An updated draft curriculum for each of the proposals above will be used as a base for

consultations prior to its implementation.

7. The petitioner submits that it is also pertinent to ponder: when people from a legal background, like the highly revered Prof. Upendra Baxi can become vice-chancellors of 'Non-Law Universities' and do well for the overall development of such institutions, then can the reverse be not true: that based upon merit people who are classified (somewhat arbitrarily) as Non-Law Professors, if given an equal opportunity can do well like their colleagues from the classical fields of law. If we don't follow this logic then we are somewhat falling into the trap of a thinking akin to the one that believed in a 'Master Race', with the modification that if one belongs to the field of Law then that person is inherently superior and can manage to do well in all roles in all institutions whether such institutions teach Law or not, and if we stretch this dangerous argument further, it would mean that people who are not from 'privileged' fields suffer from some mysterious handicaps and cannot be equals with Professors of Law. That a copy of the Bar Council of India article titled as Reform of Legal Education in India: Note on Proposed Directions for Reform is annexed herewith and marked as **ANNEXURE P-7**.

8. It is submitted by the petitioner it may be noted that the above argument applies to all academics in general, but in the case of the

present Petitioner there is an additional strength that he holds the degree of LL.B. and has spent the past decade serving the academic fields of Law, by integrating concepts from the fields of Literature, Language, Linguistics, Communication, Culture, Poetry, Endangered Languages, etc. into Law. His contribution is sadly less recognized at home, but more abroad. The degree of LL.B. should not be underestimated in developing an understanding of Jurisprudence, Law and Legal Education, as has been illustrated by examples ranging from the Father of the Nation, Mr. M.K. Gandhi, and uncountable number of Judges, Advocates and Jurists innumerable times.

9. That it is matter of great importance to submit before this Hon'ble court for its consideration that sub-section (6) of section 20 of the NLU Delhi, Act provides that *"If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Chancellor shall have the authority to designate a **professor of the University** to perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be.* Constructing and interpreting the said clause it is pointed out that a designated

professor (not just a professor of Law) of the university can be an acting Vice-chancellor. Therefore, there lies no incongruity when Section 20(1) and Section 20(6) are read together as sub section 1 provides that the applicant/candidate must be an academic person and an outstanding scholar in law or an eminent jurist but sub section (6) stipulates that **professor of the University** (not just a professor of Law) may fill in for reasons stated therein. That as a matter of culmination the petitioner (being a professor in the university having more than 10 years of diverse, interdisciplinary and multi-disciplinary teaching experience) makes him eligible for the VC post being an eminent jurist.

10. It is asserted that the duties of a Vice-chancellor of NLUD do not include teaching Law, or any other subject. In view of this the requirement of a Professor of Law as per Section (20) 1 is inexplicable and unsustainable.

11. That the Respondent No. 2 is a premier law university established by a statute. That there has to be complete transparency in all aspects and spheres such as admissions, appointments, etc. It is all the more important that there has to be a transparent mechanism at all stages in the appointment of not only associate professors, professors, etc. but higher and

important posts/designations such as Vice-chancellor.

12. That the Respondents have failed to manifest properly as to what selection criteria is adopted and followed by them in order to select candidates for the posts of Vice-chancellor. It is submitted that lack of selection criteria manifestation by the Respondents creates serious doubts in the minds of the candidates who apply for the said post, specifically for those candidates whose candidatures are rejected without assigning any proper reason or any reason, for that matter.
13. It is submitted that the proper procedure to be followed for the purpose of appointing the Vice-chancellor has not been followed by the Selection committee, in the incumbent case, for reasons best known to them, and as a result of which the petitioner right to equality has been violated.
14. On juxtaposing the National Law University Act, 2007 (Delhi Act I of 2008 and UGC 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, 2018) the process of appointing the Vice-chancellor can be carved out as:

- i. Calling all candidates who meet the minimum eligibility criteria for the interview/interactive session;
- ii. Recommendation of names finalized by the selection committee on the basis of interaction/interview as mentioned hereinabove in (i);
- iii. Recommendations made to the Chancellor by the Governing council;
- iv. Actual appointment by the Chancellor.

15. That the selection committee has discarded all legal requirements as per the UGC Regulations of 2018 and Act of 2007 as the selection committee is not empowered to outrightly reject the candidature of a candidate who meets the minimum requirements without inviting him/her for an interactive/interview meeting. It is the interactive session that is designed to scrutinize the suitability of a potential candidate vis-à-vis other subjective requirements.

16. It is submitted that propriety demanded that equal opportunity must be given to all the candidates who apply for the post as notified and who fulfil the admissibility requirements as all those candidates

who possess the minimum eligibility criteria are placed on the same pedestal and are similarly placed.

17. That the Selection committee did not possess any discretion in not accepting the candidatures of those candidates who are otherwise qualified for applying for the post of VC excepting those who does not fulfil the eligibly criteria that has been prescribed.
18. That the procedure adopted by the Selection committee in not considering the candidature of the petitioner is absolutely arbitrary and beyond any logic as the selection committee cannot conduct things according to their whims and caprices by choosing candidates to be called for the interactive meeting/interview in a pick and choose manner. Thus, the chain of events can potentially raise a suspicion of favouritism in the process of selecting the candidates. **That the procedure adopted by the selection committee of Respondent No.1 is arbitrary, illegal, and violates the Constitution, the UGC 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, 2018 as well as National Law University Delhi Act, 2007.** The arbitrariness by the selection committee is a violation of constitutionally guaranteed fundamental right i.e. Right to Equality of

the petitioner.

19. That the procedure adopted by the selection committee of the Respondent No. 2 gravely impairs the right of the petitioner to be considered for the VC post. This violates Article 14 of the Constitution. The right to equal opportunity guaranteed under Article 14 also includes in its fold the right to fair and transparent procedure in a public institution such as the Respondent No. 2. It is submitted that **“Article 14 guarantees to every person the right to equality before the law or the equal protection of the laws. The guiding principle of this Article is that all persons and things similarly circumstanced shall be treated alike both in respect of privileges conferred and liabilities imposed. Equality before the law, means that amongst equals should be equal and equally administered and that like should be treated alike.”** That the petitioner has been prejudiced by the acts and omissions of the Respondents due to the fact that his right to equal candidature at par with respect to other candidates has been denied in a sui generis manner while the law of the land as per the judicial jurisprudence is that **“Article 14 forbids class legislation; it does not forbid classification or differentiation which rests upon reasonable grounds of distinction. The varying needs of different classes of persons**

require different treatment. In order to pass the test for permissible classification two conditions must be fulfilled, namely: (1) the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (2) the differentia must have a rational nexus with the object sought to be achieved by the statute in question.” That the petitioner’s right to be equally treated by the concerned Committee has not been respected and he has been treated differently and as a necessary corollary he has been discriminated by the selection committee as the principle of *intelligible differentia* which is a part of Article 14 of the Constitution of India was not duly applied in this case. Hence, the procedure adopted by the Selection Committee is grossly illegal, arbitrary, unreasonable and not germane to the principle of *intelligible differentia*. The principle of reasonableness, which logically as well as philosophically, is an essential element of equality or non-arbitrariness and wherever any arbitrariness or unreasonableness is found then there, is a denial of rule of law. Quintessentially stated a matter of fact that **“the classification must not be “arbitrary, artificial or evasive” but must be based on some real and substantial bearing to the object sought to be achieved. Article**

14 applies where equals are treated differently without any reasonable basis. But where equals and unequal are treated differently, Article 14 does not apply.” In the incumbent factual matrix there is no reasonable explanation or objective assigned by the selection committee when it chose to call other candidates and not the petitioner. Hence, the procedure followed by the Respondents is arbitrary, perverse and not in accordance with the procedure that is mandated by law to be given effect to.

20. That the selection committee audaciously breached the **“sound and well-established principle of law that if a statute has conferred a power to do an act and has laid down the method in which that power has to be exercised, it necessarily prohibits the doing of the act in any other manner than that has been prescribed. The principle behind it is that if this were not so, the statutory provision might as well not have been enacted.”** That there has been a blatant disregard of this principle as it was mandatory for the selection committee to call the petitioner to the initial interview stage as the procedure prescribed in the National Law University Act, 2007 (Delhi Act I of 2008 and UGC 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, 2018) makes it compulsory to call all the candidates who fulfil the minimum criteria and on the basis of the said assessment made in course of interview of those candidates and then the discretion of the selection was to be exercised as to those candidates whose names had to be forwarded to the governing council for further proceedings. It is of magnanimous importance to submit that “the test of reasonability depends upon the consideration that the classification must be founded on the intelligible differentia which distinguishes persons or thing that are grouped together from others left out of the group. In the present case at hand the selection committee has not based its classification on any reasonable touchstones as to why the petitioner was not called for the interview/interactive session despite possessing the essential qualifications to be called for the said interview/interactive session just like other candidates who were called for the interview/interactive session. The selection committee, as a necessary corollary, also failed to assign any reasonable ground as to why other candidates were chosen over the petitioner.” **In fact, a shroud of secrecy has been maintained to the extent that no information about the whole process is available even to the candidates like the petitioner. The argument of not assigning reasons to**

candidates may be valid in case where thousands and lakhs of candidates are there, that it is not possible to inform everyone personally; even there the progress of the selection process should be put in public domain to keep the process transparent. In the present case it can be presumed that the number of candidates for post cannot be in hundreds, it can only be a few dozen, and hence the courtesy and ethics of the selection process dictate that the candidates should be kept informed, especially of important decisions like rejection of their candidature, and they should be given a chance to represent and clarify.

21. That it asserted that the petitioner fulfilled the minimum eligibility criteria for the said post and had it been a situation where the petitioner thought himself to be not eligible for the said post then he would have not applied for the same. It is prudently submitted that a Professor is not a school master (with due regard to all School Masters who make Professors, Judges and Lawyers) and he is not restricted to a particular subject and if the Respondents did not deem fit it to presume that the Petitioner was not eligible then in that scenario the principles of natural justice have not been followed in the incumbent case as it is the law of the land which mandates that the

petitioner should have been given a fair hearing and an opportunity to clear any misconception which the selection committee had. That no such opportunity of fair hearing was granted to the petitioner.

22. It is appositely submitted that the selection committee failed to discharge and perform its duty (i.e. giving the petitioner equal opportunity at par with other candidates) which it was bound to do (to call the petitioner for the initial interview/interactive meeting) in the manner prescribed by law (by the virtue of the National Law University Act, 2007 and UGC 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, 2018). It is pertinently submitted **“that it is only in the limited sphere of conferment of unbridled, or too wide a discretion on authorities to pick and choose persons or things that affect the rights of an individual who is treated differently than those who have been handpicked and chosen over them.”**

23. That it is manifest that the petitioner has suffered substantially as his fundamental right has been infringed by the Respondents by following arbitrary and discriminatory procedures and practices. It is submitted that **“arbitrariness inhibited by Article 14 is the arbitrariness or unreasonableness in discriminating between one**

person and another; if there is no discrimination there is no arbitrariness in the sense of Article 14.” In the incumbent case, the petitioner has been brazenly discriminated when other candidates possessing the similar minimum eligibility/essential qualifications were given precedence up and over qua the petitioner.

24. That the vagueness, opacity, and irregularities in the procedure adopted by the Respondents have caused serious prejudice to the fundamental right of the petitioner as enshrined in Article 14 of the constitution. That even otherwise the process followed by the selection committee is insular and it is ultimately submitted that no process/procedure is above the constitution. Hence, the acts and omissions of the Respondents have to be made good and the petitioners right to equality has to be restituted.
25. It is submitted that according to the National Law University Act, Section 20 the exact process of selection of the vice chancellor is not described in detail with all intricacies like how the candidates have to be eliminated at the stage of shortlisting and what objectivity is followed qua the same. It is further submitted that criteria has to be absolutely transparent and in public domain. It is not out of place to mention that no candidate would ordinarily be applying for the post who does not fulfil the minimum qualification criteria and therefore in case of any conundrum in the mind of the persons who constitute the selection committee with respect to the said candidate who the eliminate at the stage of shortlisting, it can be safely presumed that it is in view of the concept of natural justice and equity that an opportunity and fair chance must be given by the selection committee to such candidates to present themselves if they fulfil the basic conditions of candidature as per the advertisement, the act of National Law University Delhi 2008, and UGC rules as appended. However, in the case of the petitioner, no such opportunity, fair chance or any consideration has been given qua his eligibility for the post and his candidature has been presumed to be ineligible and he has been eliminated in the very first round of the process. This way, a fair chance was not given to him either by letting him appear in the interview or by asking him to submit any clarification. It is obvious that the process of selection was not fair either out of oversight or due to some other considerations unknown to the petitioner.
26. It is fervently appealed that this matter is not limited to the injustice done to the individual petitioner, rather this would act as a precedent for transparency in the process of selection of important

academic leadership roles. The role of a vice-chancellor in shaping the future of the students, institutions, and the society at large cannot be undermined. Hence it is appealed that no scope of opacity or doubt be allowed in such an important selection process.

H. LEGAL UNDERTAKING

1. That the Petitioner has 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.
2. It is submitted that the petitioner has no other equally efficacious remedy other than incumbent writ petition.
3. The Petitioner undertake to file duly affirmed Affidavits and requisite court fee within 72 hours from the date of resumption of the regular functioning of this Court.

PRAYER:

In the factual matrix and established legal parlance, it is most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to issue a writ, order or direction in the nature of mandamus or any other appropriate writ, order or direction upon the Respondents, thereby:

- A. Quashing the decision/order of the selection committee taken on 05.02.2020 to conduct proceedings for the appointment to the post of vice chancellor on 25.02.2020 (copy of which is not available to the petitioner) as also to quash the decision/order made by the selection committee to nominate any candidates to the governing council;
- B. Directing the Respondents to take effective steps with a view to immediately take into consideration the candidature of the petitioner to the post of vice-chancellor.
- C. Pass any other order or such further order(s) as this Hon'ble Court may deem it fit in the facts and circumstances of the case at hand in the interest of justice, equity and good conscience.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL, AS IN DUTY BOUND, FOREVER PRAY

PETITIONER

THROUGH

DELHI

DATED: 17.06.2020

KARAN SUNEJA

(ADVOCATE FOR THE PETITIONER)

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