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

+ CS(OS) 630/2022, I.A. 16685/2022, I.A. 16686/2022, I.A. 16687/2022, I.A. 16688/2022

RAMJAS COLLEGE Plaintiff
Through: Mr.Anurag Mathur, Advocate

versus

THE PRESIDENT RAMJAS COLLEGE STAFF ASSOCIATION &
ANR.Defendants
Through: None

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
13.10.2022

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I.A. 16688/2022 (application u/S 151 CPC for exemption from advance service of defendants No.1 & 2)

1. This is an application filed on behalf of the plaintiff under Section 151 CPC seeking exemption from advance service of defendants No.1 & 2. It is submitted that if the filing of the present suit is brought to the notice of the defendants No.1 & 2, they are likely to intensify the demonstrations and disrupt the functioning of the plaintiff college and that they are likely to damage the college property and prevent the college staff and students from entering the college resulting in disruption of the smooth functioning in the college.

2. In view of the submissions made before this Court, the application is allowed and the plaintiff is exempted from effecting advance service of the present suit on the defendants No.1 & 2. However, an undertaking on behalf of the plaintiff is recorded that complete paper-book along with the documents shall be provided to the defendants.

3. The application is accordingly disposed of.

I.A. 16687/2022 (application u/S 149 CPC read with Section 151 CPC seeking extension of time for filing the court fees)

4. This application has been filed on behalf of the plaintiff under Section 149 CPC read with Section 151 CPC seeking extension of time for filing the court fees.

5. Mr.Anurag Mathur, learned counsel appearing on behalf of the plaintiff, submits that he has already applied for court fees to the tune of approximately Rs.1,98,000/-. He submits that receipt of the court fees is likely to take approximately 10 days' time. Thus, extension of time for filing the court fees is sought.

6. In view of the submissions made before this Court, the time for filing the court fees is extended by two weeks.

7. With aforesaid observations, the application is disposed of.

I.A.16686/2022 (exemption from filing the original/ certified / typed/legible copies of the documents)

8. This is an application seeking exemption from filing original and clear copies of documents.

9. Recording the plaintiff's undertaking that the inspection of original documents shall be given, if demanded, or that the original documents shall be filed prior to the stage of admission/denial, the exemption is allowed.

10. As prayed, the plaintiff is allowed to file clear copies and typed version of hand written documents within four weeks.

11. Application is disposed of.

CS(OS) 630/2022

12. Let the plaint be registered as a suit.

13. Issue summons to the defendants through all modes upon filing of process fee.

14. The summons to the defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from the date of receipt of summons. Along with the written statement, the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.

15. Liberty is given to the plaintiffs to file a replication within 15 days of receipt of the written statement. Along with the replication, if any, filed by the plaintiffs, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiffs, without which the replication shall not be taken on record.

16. List before the Joint Registrar for marking of exhibits on 21.11.2022.

I.A. 16685/2022 (under Order XXXIX R-1 & R-2 CPC)

17. This is an application moved on behalf of the plaintiff under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC praying for grant of ad-interim *ex parte* injunction.

18. The present suit has been filed with a prayer for restraining by means of permanent injunction the defendants No.1 and 2, their members, agents, representatives, associates and servants from holding demonstrations and

dharnas, shouting slogans and holding meetings, etc., within a distance of 200 meters from the office of Principal of the plaintiff college. It is further prayed that the defendants No.1 and 2 may be restrained from obstructing, intimidating or preventing ingress and egress or in any manner interfering with the activities of any members of teaching and non-teaching staff and students of the plaintiff or any visitor or of any students or in the aforesaid premises of the plaintiff unit.

19. It is submitted on behalf of the plaintiff that the interviews for the post of Assistant Professor in Zoology Department in the plaintiff college were scheduled to be held from 19.09.2022 to 24.09.2022. Thus, a formal notice to the said effect was also placed by the college on its website and the Notice Board on 08.09.2022. While the interviews were being conducted in a peacefully manner, suddenly the defendants No.1 & 2 and its members started raising their demands seeking regularization of all the ad-hoc teachers working in the Department of Zoology, failing which they threatened to disrupt the selection process.

20. It is submitted that the college authorities made all possible efforts to resolve the issue amicably, however, the defendants No.1 & 2 declined to withdraw its demand and continued to threaten the college authorities. Attention of this Court has been drawn to Notice/Circular dated 25.09.2022, issued by Ramjas College Staff Association wherein they have resolved to have a complete strike if the Governing Body of the College fails to meet their demands of ensuring the retention of all working *ad hoc* colleagues in the Department of Zoology, the action programme shall be further intensified. They have further resolved to hold a sit-in dharna in the college as well as resolved that all teachers will, as a measure of non-cooperation,

will resign forthwith from all Staff Council Committees. Attention of this Court has also been drawn to the Minutes of the Emergent Meeting of the Executive of the Ramjas College Staff Association. In the said Meeting, certain decisions have been taken pertaining to initiate mass mobilization to make the DUTA action programme against displacement successful. Further, they have also resolved to discuss the DUTA action programme as decided in DUTA Executive Committee held on 30.09.2022 and decide further course of action. Thus, it is submitted that the defendants No.1 and 2 are creating obstruction in the smooth working of the college and are not allowing the members of the Selection Committee to conduct the interviews.

21. It is submitted that earlier on 24.09.2022, the defendants No.1 and 2 along with its members and certain unknown persons who were not employees of the college "Gheraoed" the Principal's office, the Selection Committee room where selection process was underway and started demonstrating in a very aggressive manner involving more than 250 persons who were present at the time of the said demonstrations. It is also submitted that the defendants No.1 and 2 and other member of Ramjas College Staff Association barged into the Principal's office and raised their demands. The college administration was threatened that in case the selection process was not stopped and the demands not met, the college building would be damaged and an attempt would be made to disrupt the Selection Committee proceedings.

22. It is submitted that the plaintiff college is to conduct fresh interviews for the post Assistant Professor in Statistics on 14.10.2022. Further, several other interviews for various post in Botany, Chemistry, Commerce, Economics, English, Hindi, History, Philosophy, Physics, Mathematics,

Political Science, Sanskrit Department are scheduled in the coming months. The defendants No.1 and 2 and its members have again threatened to go on agitations and demonstrations with a view to disrupt the selection process. Thus, it is prayed that the defendants No.1 and 2 may be restrained from holding agitations, dharnas, etc. and to not obstruct the selection process as being carried out by the plaintiff college.

23. I have heard the learned counsel for the plaintiff as well as perused the documents and pleadings on record.

24. Considering the submissions made before the Court and the documents on record, I hold that the plaintiff has made a *prima facie* case in its favour. In view of the aforesaid, it is directed that till the next date of hearing, the defendants and their employees, associates, legal heirs, legal representatives, assignees, agents, servants, administrators or any other person are restrained from holding demonstrations and dharnas, shouting slogans, holding meetings, etc., within a distance of 100 meters from the office of Principal of the plaintiff college. The defendants shall not obstruct, intimidate or prevent the ingress and egress or in any manner interfere with the activities of any members of teaching and non-teaching staff or the students of the plaintiff or any visitor or of any students or in the premises of the plaintiff college.

25. Compliance Affidavit under Order XXXIX Rule 3 CPC be filed within a period of one week.

26. Issue notice to the defendants by all modes.

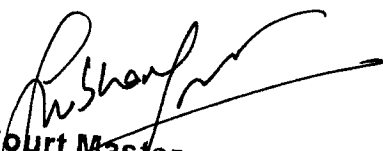
27. Reply to the application be filed within four weeks from the service of the present order, along with the paper-book. Rejoinder thereto be filed within a period of two weeks thereafter.

28. List the application before this Court on 23.02.2023.
29. Copy of this order be given *dasti* under the signatures of the Court Master to learned counsel for the plaintiff.

MINI PUSHKARNA, J

OCTOBER 13, 2022

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**Court Master
High Court of Delhi
New Delhi**