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

\+ **W.P.(C) 3969/2026 and CM APPL. 29605/2026**

Date of Decision: **21.05.2026**

IN THE MATTER OF:

PROF. ATUL KUMAR MITTAL,
AGED ABOUT 62 YEARS,
SON OF LATE R.P. MITTAL,
RESIDENT OF 34, VIKRAMSHILA APARTMENTS, IIT DELHI CAMPUS, NEW DELHI – 110016.

.....PETITIONER

(Through: Mr. Divyanshu Sahay, Ms. Shradha Narayan and Mr. Akshay Sahay, Advocates.)

Versus

INDIAN INSTITUTE OF TECHNOLOGY DELHI
THROUGH ITS REGISTRAR,
HAUZ KHAS, NEW DELHI - 110016.

BOARD OF GOVERNORS
THROUGH ITS CHAIRMAN,
INDIAN INSTITUTE OF TECHNOLOGY,
HAUZ KHAS, NEW DELHI - 110016.

THE DIRECTOR,
INDIAN INSTITUTE OF TECHNOLOGY,
DELHI,
HAUZ KHAS, NEW DELHI – 110016.

MS. X1
THROUGH THE REGISTRAR,
INDIAN INSTITUTE OF TECHNOLOGY DELHI,
HAUZ KHAS, NEW DELHI - 110016.

MS. X2
THROUGH THE REGISTRAR,
INDIAN INSTITUTE OF TECHNOLOGY DELHI,
HAUZ KHAS, NEW DELHI - 110016.

.....RESPONDENTS

(Through: Mr. Arjun Mitra and Ms. Jayanti Jha, Advocates.)

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

CM APPL. 19432/2026 (filed by the petitioner for stay)

1. By way of the instant application, the Petitioner, a Professor in the Department of Civil Engineering at the Indian Institute of Technology ***("IIT")***, Delhi, essentially seeks stay of the operation and implementation of the Resolution No. BG/36/2025 dated 08.05.2025 ***("impugned resolution")*** passed by the Board of Governors ***("BOG")*** of IIT Delhi and all consequential proceedings emanating therefrom.

2. Petitioner has approached this Court on third occasion in relation to the same set of allegations. Twice before, he has prevailed. The question, at the threshold of third round, is whether there exists adequate ground to stay the impugned proceedings until the main writ petition is decided.

3. On 22.01.2013, the then Director of IIT Delhi received a letter dated 22.01.2012 from Ms. X1, a Ph.D. scholar in the Department of Civil Engineering, seeking a change of her Ph.D. supervisor. The letter alleged, in substance, continuous provocative messages, insistence to meet at odd

hours, and attempts to lure her into unfair academic practices. A week later, on 30.01.2013, the Institute received an email from Ms. X2, a former Ph.D. student who had completed her doctorate under the supervision of the Petitioner in 2008 and had thereafter maintained cordial correspondence with him from 06.10.2008 to 16.11.2011. The email alleged an incident of January 2004, nearly nine years prior to the date of the email.

4. A Fact-Finding Committee ***("FFC")*** was constituted and the report was placed before the Sexual Harassment Complaints Committee ***("SHCC").*** Thereafter, a chargesheet dated 26.04.2013 was issued by the Registrar by order and in the name of the Chairman, Board of Governors and not by the Board of Governors as a body, which is the Disciplinary Authority under the applicable rules.

5. A three-member Inquiry Authority was constituted on 12.08.2013. Instead, on 23.01.2014, the three-member Inquiry Authority was dissolved and a retired Judge of this Court, was appointed as a single-member Inquiry Officer, by the order of the Chairman alone, not of the Board. The single-member Inquiry Officer submitted her report on 11.08.2014 holding the alleged charges to stand proven.

6. On 06.09.2014, IIT passed a resolution imposing the penalty of dismissal. This Court in W.P.(C) 6059/2014 *vide* order dated 30.10.2014, recorded that, and is reproduced as under:-

> *"..Prima facie, the contention of the respondents seems to be unsustainable as it is well settled that decisions taken at the meetings only evidenced by the minutes; minutes are only evidence the proceedings of the meetings and can neither add nor dilute the decisions taken at the meetings. Prima facie, it appears that a false statement was made before this Court"*

7. The dismissal was eventually set aside *vide* order dated 30.04.2015 in

CM Appl. No. 17178/2014, relevant para 8 is reproduced as under:-

> *"8. Having regard to the above, the captioned application is disposed of with the following directions, in line, with the instructions received by Mr. Banerjee :-*
>
> *(i). The minutes of the meeting dated 06.09.2014 shall stand effaced from the record.*
>
> *(ii)The Board will give, at least, ten (10) days prior written notice to the petitioner fixing the date and venue of the hearing.*
>
> *(iii)On the given date, as agreed by Mr. Banerjee, the hearing will take place from 10.30 a.m. to 1.30 p.m.*
>
> *(iv)The petitioner will be at liberty to place before the B.O.G., his written submissions as also any other material, he wishes to place reliance on.*
>
> *(v)The petitioner will hand over his written submissions, at least, three days prior to the date of hearing fixed by the B.O.G.*
>
> *(vi) The B.O.G. will not consider any input, by way of report or otherwise submitted by the three member committee, which was, earlier scrutinizing the submissions filed by the petitioner before the B.O.G.*
>
> *(vii)The B.O.G. will not take into account the minutes of the meeting dated 31.10.2014 and 15.01.2015 to the extent they relate to the petitioner.*
>
> *(viii) Lastly, the B.O.G. after giving opportunity to the petitioner, will pass a speaking order."*

8. Notwithstanding the detailed directions of this Court in the order dated 30.04.2015, the BOG in meeting dated 22.07.2015 accepted the inquiry report and thereafter imposed the penalty of compulsory retirement *vide* order dated 29.06.2016. The Petitioner then preferred W.P. (C) No. 9777/2017 before this Court, which was decided on 20.02.2019 ***("2019 Judgement").***

9. The 2019 Judgement sets aside the order of compulsory retirement in its entirety and directed the reinstatement of the Petitioner with all consequential benefits. Relevant para 49 & 50 is reproduced as under:-

> *49. It is pertinent to mention here that in the case of Vishaka (supra) decided on 13.08.1997 it was clarified that the guidelines and norms would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women. The directions would be binding and enforceable in law until suitable legislation is enacted to occupy the field. Admittedly, the alleged incidents are after the decision of Vishaka (supra) and before the Sexual Harassment Act, 2013 came into force. Thus, the case of the petitioner would have been strictly considered under the Vishaka (supra) guidelines instead of binding the inquiry officer to deal with the allegations against the petitioner out of which the petitioner failed to get the fair opportunity and place his case before the inquiry authority.*
>
> *50. In view of above discussion and settled position of law, I hereby set aside order dated 29.06.2016 and 25.10.2017. Consequently, the respondents are directed to re-instate the petitioner in service with all consequential benefits within four weeks from the receipt of this order. Thereafter, the respondents are at liberty to conduct inquiry afresh strictly as per the guidelines of the Hon'ble Supreme Court in Vishaka (supra).*

10. IIT Delhi preferred LPA No. 190/2019 before a Division Bench of this Court. The Division Bench *vide* its order dated 27.03.2025 ***("2025 Judgement")*** dismissed the appeal and affirmed the 2019 Judgement. This Court has found that the decision to hold an inquiry under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 *("**CCS Rules**"),* Central Civil Services (Conduct) Rules, 1964 and Statute 13(9) of the IIT Statutes, Delhi was not taken by the Board of Governors but instead, by the Chairman of Board of Governors Relevant para 82 & 83 is reproduced as under:-

> *"82. Even assuming that it was permissible for the appellant to bypass the Sexual Harassment Complaints Committee/ICC for the purpose of conduct of inquiry, there an another lacunae inasmuch as the decision to hold an inquiry under Rule 14 of the CCS (CCA) Rules, 1965, Central Civil Services (Conduct) 1964 and Statute 13(9) of the IIT Statutes, Delhi was not taken by the Board of Governors but instead by the Chairman of the Board of Governors. This is evident from a perusal of the memorandum dated 26.04.2013, the opening lines of which record as under:—*
>
> *"The Chairman, Board of Governors, proposed to hold an inquiry*

against Dr. A.K. Mittal Professor under Rule 14 of the Central Civil Services (CCA) Rule 1965, Central Civil Services (Conduct) Rules, 1964 and Statute 13(9) of the Institute."

83. Moreover, the decision to constitute a Board of Inquiry was also at the behest of the Chairman, Board of Governors. The relevant communication in this regard issued by the Chairman, Board of Governors is as under:—

"Sub. : Constitution of Board of Inquiry

Having perused the Chargesheet and Reply of Prof. A.K. Mittal, I am of the considerate opinion that it would be required to initiate regular Inquiry proceedings as per rules so as to ascertain the facts in this case.

Let inquiry be conducted by a Board of Inquiry comprising Prof. Saroj Mishra, Prof. Manjeet Jassal & Prof. T.C. Kandpal. Shri Nanak Chand, Deputy Registrar may act as Presiding Officer.

Sd/-

Dr. Vijay Bhatkar Chairman,

BoG"

11. The Disciplinary Authority *qua* the Petitioner has been found to be the Board of Governors of IIT Delhi, a multi-member statutory body constituted under Section 11 of the Institutes of Technology Act, 1961, comprising, *inter alia*, nominees of the Government of each of the States in the zone in which the Institute is situated, four persons having special knowledge or practical experience in respect of education, engineering or science, and two Professors of the Institute nominated as per the Statutes, and not just the Chairman of the Board acting in his individual capacity.

12. Rule 14 of the CCS Rules, 1965 prescribes a carefully structured procedure that places the Disciplinary Authority at the centre of every significant step in a departmental inquiry. Under Rule 14(2), it is the Disciplinary Authority that is empowered to appoint the Inquiry Authority, subject, however, to the Proviso inserted therein, which provides that in respect of complaints relating to sexual harassment, the Complaints Committee shall be deemed to be the Inquiring Authority by operation of

law, leaving no room for the appointment of any other person or body to discharge that function.

13. Under Rule 14(3), it is again the Disciplinary Authority that must draw up, or cause to be drawn up, the Articles of Charge and deliver them to the delinquent officer under Rule 14(4), the expression "cause to be drawn up" permitting only a delegation of the task of drafting, while the resulting chargesheet must receive the independent approval of the Disciplinary Authority before it has any legal existence whatsoever.

14. The two stages, appointment of the Inquiry Authority and drawing up and delivery of the chargesheet, are not mere procedural formalities; they represent substantive safeguards that ensure the Disciplinary Authority applies its mind independently and consciously at each threshold before the inquiry can lawfully proceed. In Paras 86 to 88 of the 2025 Judgment, the Division Bench, adverting to these very provisions, made the following pertinent observations:-

> *"86. It can be seen that the Board of Governors is a multi-member body comprising inter alia of nominees of the Government of each of the States comprising the zone in which the Institute is situated, four persons having special knowledge or practical experience in respect of education, engineering or science and two professors of the Institute, to be nomited by the Senate*
> *87. Under Rule 14 of the CCS (CCA) Rules, it is clearly provided that the charge-sheet has to be drawn up or cause to be drawn up by the "Disciplinary Authority". Moreover, Inquiry Authority is also to be appointed by the "Disciplinary Authority".*
> *88. In the present case, the matter could not be considered by the Disciplinary Authority; that is, the BOG, before issuance of the chargesheet and before constituting of an 'Inquiring Authority'. Instead the Chairman, BOG invoked the provisions of Statute 7(4) of the IIT Statutes, Delhi to "exercise the powers of the Board."*

15. The argument of the IIT that the decision, being of an emergent category, was rejected by this Court and the ratification of the decision by

the Board of Governors was found to be impermissible in para 98 of the 2025 Judgement, which is extracted as under:

> *"98. This Court is also not inclined to accept the appellant's contention that the ratification by the BOG, the articles of charge/s and/or the appointment of the Inquiry Officer appointed on 23.1.2014, automatically validates any purported irregularity in the issuance of the charge sheet or the subsequent proceedings. Mere ratification of the appointment does not, in itself, cure procedural lapses or confer legitimacy upon actions that may have been flawed from the outset."*

16. While affirming the order passed by the Single judge, the Division Bench dismissed the appeal of the respondents, and has granted liberty to conduct an inquiry afresh strictly as per the guidelines of the Supreme Court in Vishaka (supra), Medha Kotwal Lele (supra) and as contemplated in Section 11 of the POSH Act, 2013. Para 112 is reproduced as under:-

> *112. For all the above reasons, this Court finds no reason to interfere with the impugned judgment of the learned Single Judge.* ***However, as already directed vide the impugned order, the Appellant/IIT, Delhi is at liberty to conduct an inquiry afresh strictly as per the guidelines of the Supreme Court in Vishaka (supra), Medha Kotwal Lele (supra) and as contemplated in Section 11 of the POSH Act, 2013.*** *It is made clear that this order is based on infraction of procedural requirement/s and shall not be construed as an expression of opinion of this Court on the merits of the allegations against the respondent."*

17. The BOG in its 221st meeting held on 08.05.2025 passed a Resolution No. BG/36/2025 to conduct a fresh enquiry by the ICC. The minutes of the 221st meeting record that the fresh inquiry was being ordered *"in compliance with the High Court Order",* indicating that the liberty granted by this Court has been construed to be as if, the fresh inquiry is mandated by this Court i.e., act being in complete disregard of para 112 of the 2025 Judgement.

18. The decision dated 08.05.2025 by the Board of Governors is extracted

as under:

> *"**Item no. 28: Disciplinary case against Prof. Atul Kumar Mittal, Professor, Department of Civil Engineering.***
> *Prof. Krishna AchutaRao, Dean (Faculty) provided a detailed background of the case, including the history of the complaints, the subsequent inquiries, and the decisions made by various bodies, including the BoG, Visitor, and the Hon'ble High Court of Delhi. The key developments of the case were summarized as follows:*
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> *• A complaint of sexual harassment against Prof. Mittal was received in January 2013.*
> *• An inquiry was initiated, and Prof. Mittal was found guilty of the charges and a penalty of compulsory retirement was imposed on Prof. Mittal in 2016.*
> *• Prof. Mittal challenged the decision, resulting in litigation and a judgment passed by the Hon'ble Single Judge of the High Court on 20.02.2019, which directed his reinstatement.*
> *• IIT Delhi appealed this decision, and the Appellate Court, in its judgment dated 27.03.2025, upheld the Single Judge's decision but directed that a fresh inquiry be conducted strictly as per the guidelines of the Supreme Court in Vishaka (supra), Medha Kotwal Lele (supra) and as contemplated in Section 11 of the POSH Act, 2013.*
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> *The Board noted the key findings of the High Court, which included procedural shortcomings in the earlier inquiry process, specifically:*
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> *• The inquiry should have been conducted by the Vishakha Committee, not by a retired judge.*
> *• The chargesheet was not approved by the BoG but merely approved by the Chairperson through a UO note, and this procedural lapse was noted as a significant infraction.*
> *• Delays in the inquiry process were highlighted, particularly the gaps between the issuance of the chargesheet, the constitution of the inquiry authority, and the commencement of proceedings.*
> *• Issues related to the consideration of evidence and the inclusion of complaints not subject to the chargesheet.*
>
> *The Appellate Court, while not commenting on the merits of the allegations, disposed of the appeal, affirming that a fresh inquiry should be conducted strictly in accordance with the relevant guidelines.*
> *The Board noted that, following the Court's order, Prof. Mittal has been reinstated in service effective from 01.04.2025, and he has joined the Department of Civil Engineering in accordance with the directions of the Hon'ble Court.*
> *In compliance with the High Court's order, the Board discussed the necessity of conducting a fresh inquiry into the matter and unanimously resolved the following:*

RESOLUTION NO. BG/36/2025:	*RESOLVED THAT: A fresh inquiry by the Internal Complaints Committee (ICC) be started in this case against Prof. A.K. Mittal, Professor, Department of Civil Engineering.*

19. On 03.12.2025, the ICC made a recommendation for interim measures against the Petitioner. The copy of this recommendation was withheld from the Petitioner under the guise of internal deliberation, despite the fact that it carries direct civil and professional consequences for him. What followed on 16.12.2025 by way of BOG's Impugned Resolution shows the sequence of three near-simultaneous actions that, taken together, bear the hallmarks of a predisposed institutional mind:

(a) The BOG passed a resolution by circulation, in violation of Statute 2(5) of the IIT Statutes read with Section 25(a) of the Institutes of Technology Act, 1961 ***("IIT Act")*** approving the ICC's interim recommendation and sanctioning the tailored amendment to Clause 13 of the Internal Rules;

(b) Clause 13 of the Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2023 ***("Internal Rules 2023")*** was simultaneously amended by deleting the mandatory requirement of a written request made by the complainant for recommending interim measures, and substituting it with a power in the Director to impose such measures suo motu, a provision which is, argued to be, ultra vires Section 12 of the Sexual Harassment of Women at Workplace (Prevention,

Prohibition and Redressal) Act, 2013 ***("POSH Act")***

(c) The Director, IIT Delhi, armed with an amendment that had not even been notified, passed an order dated 16.12.2025 imposing interim measures against the Petitioner, directing that he be *"barred from participating in any fora involving female students*, an order that, in one stroke, stripped the Petitioner of all classroom teaching.

20. In the earlier round of litigation, chargesheet, itself has been held to be impermissble having not been approved by the Board of Governors, therefore, the justification to issue fresh chargesheet and its approval is *sine qua non* by the respondents.

21. In ***Vishaka v. State of Rajasthan***[1], the Supreme Court laid down guidelines having the force of law under Article 141 of the Constitution for the prevention and redressal of sexual harassment at the workplace. A cornerstone of those guidelines was the institution of a Complaints Committee as the exclusive and mandatory forum for the inquiry into such complaints. In ***Medha Kotwal Lele v. Union of India***[2], the Supreme Court reinforced this position and directed that the Complaints Committee *"shall be deemed to be an inquiry authority for the purposes of the Central Civil Services (Conduct) Rules, 1964."*

22. Pursuant to this direction, a Proviso was inserted in Rule 14(2) of the CCS (CCA) Rules, 1965, which provides that in respect of complaints relating to sexual harassment, the Complaints Committee shall be *deemed* to be the Inquiring Authority. Both the 2019 Judgment and the 2025 Judgment have held, as a finding binding on these parties, that since the alleged

[1] (1997) 6 SCC 241.

incidents occurred after Vishaka and before the POSH Act (2013), the Petitioner's case must be strictly considered under the Vishaka guidelines read with the CCS (CCA) Rules, 1965. The Internal Rules 2023 of the Institute, being institutional rules of inferior legislative character, cannot override, supplant or be substituted for this mandatory statutory framework.

23. The requirement of formal Articles of Charge by the Disciplinary Authority is not a technicality. It is a statutory guarantee rooted in the right to a fair hearing. In ***Union of India v. B.V. Gopinath***[3], the Supreme Court held that the charge-sheet can only be issued upon approval by the Disciplinary Authority, and that the expression *"*cause to be drawn up*"* in Rule 14(3) refers only to a delegation of the task of drafting, the resulting document must be approved by the Disciplinary Authority before it has legal existence.

24. In ***Sunny Abraham v. Union of India***[4], the Court went further and held that a charge memorandum issued without such approval is *"non est"*, that it goes beyond remediable irregularity and that life cannot be breathed into the stillborn charge memorandum. Sub-clauses (2) and (3) of Rule 14 contemplate independent approval of the disciplinary authority at both stages, for initiation of enquiry and also for drawing up or to cause to be drawn up the charge memorandum. Any omission renders the charge memorandum fundamentally defective, incapable of retrospective validation. These are not propositions in search of application in this case. The Division Bench in the 2025 Judgment has already applied both **B.V. Gopinath** and **Sunny Abraham** to the facts of this very case. Relevant para

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[2] (2013) 1 SCC 297.
[3] (2014) 1 SCC 351.

12 is reproduced as under:-

> *"12.The next question we shall address is as to whether there would be any difference in the position of law in this case vis-à-vis the case of B.V. Gopinath (supra). In the latter authority, the charge memorandum without approval of the Disciplinary Authority was held to be non est in a concluded proceeding. The High Court has referred to the variants of the expression non est used in two legal phrases in the judgment under appeal. In the context of our jurisprudence, the term non est conveys the meaning of something treated to be not in existence because of some legal lacuna in the process of creation of the subject-instrument. It goes beyond a remediable irregularity. That is how the Coordinate Bench has construed the impact of not having approval of the Disciplinary Authority in issuing the charge memorandum. In the event a legal instrument is deemed to be not in existence, because of certain fundamental defect in its issuance, subsequent approval cannot revive its existence and ratify acts done in pursuance of such instrument, treating the same to be valid. The fact that initiation of proceeding received approval of the Disciplinary Authority could not lighten the obligation on the part of the employer (in this case the Union of India) in complying with the requirement of sub-clause (3) of Rule 14 of CCS (CCA), 1965. We have quoted the two relevant sub-clauses earlier in this judgment. Sub-clauses (2) and (3) of Rule 14 contemplates independent approval of the Disciplinary Authority at both stages – for initiation of enquiry and also for drawing up or to cause to be drawn up the charge memorandum. In the event the requirement of sub-clause (2) is complied with, not having the approval at the time of issue of charge memorandum under sub- clause (3) would render the charge memorandum fundamentally defective, not capable of being validated retrospectively. What is non-existent in the eye of the law cannot be revived retrospectively. Life cannot be breathed into the stillborn charge memorandum. In our opinion, the approval for initiating disciplinary proceeding and approval to a charge memorandum are two divisible acts, each one requiring independent application of mind on the part of the Disciplinary Authority. If there is any default in the process of application of mind independently at the time of issue of charge memorandum by the Disciplinary Authority, the same would not get cured by the fact that such approval was there at the initial stage."*

25. Board of Governors has not applied its mind as to what misconduct

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[4] (2021) 20 SCC 12.

the petitioner has committed which requires chargesheet and inquiry. There does not seem to be any application of mind.

26. Before directing a fresh inquiry on allegations that are now 12 and 21 years old, the BOG was under a mandatory obligation to consider at least three questions: whether an inquiry was warranted in view of the 2019 Judgment's binding finding that Ms. X2's complaint is wholly unbelievable and pre-meditated; whether it would be fair and feasible to gather and assess evidence of events from 2004 and 2012-13; and whether, on the existing record, there is a prima facie case of misconduct that justifies the commencement of a formal inquiry under Rule 14 of the CCS (CCA) Rules.

27. The one-line Resolution addresses none of these questions. It is a mechanical, unreasoned order, and is, prima facie, violative of the principle that every quasi-judicial or administrative decision of consequence must reflect genuine application of mind to the relevant considerations.

28. Owing to the decision by the Board of Governors, the interim measures have been imposed against the petitioner, which again are clearly stigmatic and are harsh. The respondents though have filed a reply, however, the same would not justify a fresh action pursuant to the liberty granted by the Court.

29. This Court cannot, in this context, overlook the manner in which the IIT has engaged with the 2025 Judgment, or more accurately, the manner in which it has chosen not to. The Division Bench, in the 2025 Judgment, undertook an exhaustive examination of the entire disciplinary history spanning over a decade, a judgment that runs to 39 pages and 113 paragraphs, traversing the composition and jurisdiction of the Board of Governors, the constitutional requirement of a speaking chargesheet issued

by the Disciplinary Authority, the evidentiary infirmities arising from the non-authentication of the SMS messages, the binding framework of Vishaka and the CCS (CCA) Rules, and the nature and limits of the liberty being granted.

30. The Division Bench was careful, measured and precise in its approach when it recorded its findings on each infirmity. It qualified as the liberty granted with the express condition that the inquiry be conducted strictly in accordance with **Vishaka**, **Medha Kotwal Lele** and Section 11 of the POSH Act, and it made unambiguously clear that the order was founded on infractions of procedural requirements and was not to be construed as any expression of opinion on the merits.

31. Out of this carefully reasoned judgment of 39 pages and 113 paras, IIT Delhi chose to selectively read, and act upon, precisely one line: the half-sentence in Para 112 that says the Institute "is at liberty to conduct an inquiry afresh." That one line became, in the institutional mind of IIT Delhi, a mandate, a sanction, and an absolution, all at once.

32. The one-line Resolution is not merely inadequate; it is the product of a deliberate institutional choice to treat the 2025 Judgment as a matter of right while ignoring everything in it that imposed obligation, caution and restraint. This Court finds that approach, prima facie, to be an abuse of the liberty granted and a disregard of the spirit and letter of the 2025 Judgment taken as a whole.

33. The matter is, therefore, required to be considered on merits.

34. The Court, thus, finds that *prima facie* the petitioner has been able to make out the case for grant of interim relief. If the inquiry is not stayed, the petitioner would suffer irreparably. The balance of convenience would also

lie in his favour. There has been multiple rounds of litigation and the petitioner had succeeded up to the Division Bench.

35. Till the pendency of the petition, prayer for interim relief in terms of prayer (1) is granted i.e. stay of the operation and implementation of the impugned resolution dated 08.05.2025 and all consequential proceedings emanating therefrom.

36. Application stands disposed of.

W.P.(C) 3969/2026 and CM APPL. 29605/2026

1. Let the parties to complete the pleadings in all respects and are granted liberty to file written submission along with relevant judgments.

2. List the matter for hearing on 15.09.2026.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MAY 21, 2026
NK