



2025:DHC:2581-DB



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

Date of decision: 15.04.2025

+ LPA 136/2020

ASHOK KUMAR

.....Appellant

Through: Mr. Raj Kamal, Mr. Aseem Atwal, Ms. Muskan Sidana, Ms. Aprajita Tyagi, Mr. Ishaan Ojha, Advs.

versus

THE DIRECTOR , BANARSIDAS CHANDIWALA
INSTITUTE OF PROFESSIONAL STUDIES & ANR

.....Respondents

Through: Mr. Anuj Malhotra, Adv. for R1.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

1. This appeal has been filed, challenging the Order dated 06.01.2020 passed by the learned Single Judge of this Court in W.P.(C) 9434/2016, titled *Ashok Kumar v. The Director, Banarasidas Chandiwala Institute of Professional Studies & Anr.*, dismissing the writ petition filed by the appellant herein, however, reserving the liberty to the appellant to assail his termination before appropriate Court/forum.

2. The appellant had filed the above writ petition alleging therein that he had been appointed as the Personal Assistant to the respondent No. 1, the Director, Banarasidas Chandiwala Institute of Professional



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Studies, *vide* letter dated 07.12.2010. The said appointment letter stated that the appellant shall be on probation for a period of one year which could be extended further, and his services could be terminated at any time during the period of probation.

3. The appellant states that *vide* the letter dated 23.11.2011, issued by the respondent No. 1, the services of the appellant were confirmed to the said post. The appellant, however, was unceremoniously terminated from service *vide* order dated 05.11.2015 passed by respondent No. 2, Admin Cum Account Officer.

4. The appellant approached this Court by way of the above writ petition challenging the termination letter.

5. The learned Single Judge, however, while holding that the writ petition was maintainable, further observed that as the respondents have alleged that the letter dated 23.11.2011, allegedly confirming the appellant in service is a forged document, the said question cannot be gone into in the writ jurisdiction. The learned Single Judge, therefore, dismissed the writ petition, while reserving the liberty to the appellant to challenge his termination before an appropriate Court/forum.

6. The learned counsel for the appellant submits that the learned Single Judge has erred in dismissing the writ petition simply on the averment of the respondent stating that the letter dated 23.11.2011 is a forged document. He submits that on the face of it, the document is genuine, and the plea to the contrary had been taken falsely by the respondent to non-suit the appellant.

7. He further submits that in terms of the “*Statute 32: Manner of*



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accompanying the termination order. The same stands encashed by the appellant.

11. We have considered the submissions made by the learned counsel for the parties.

12. Though we have doubt on the very maintainability of the writ petition, we have proceeded to consider the claim of the appellant on merits as well.

13. As is noted hereinabove, the appellant had approached this Court through the writ petition by relying upon his confirmation letter dated 23.11.2011. The same is alleged by the respondent to be a forged document. Some of the indicators to show such forgery have been pointed out by the learned counsel for the respondent. We need not, in exercise of our appellate powers, proceed to examine the same. Suffice it to say, that the learned Single Judge has stated that such disputed questions of fact cannot be determined in exercise of powers under Article 226 of the Constitution of India, being a summary jurisdiction. We have no reason to disagree with the above.

14. As far as the reliance of the appellant on the Statute is concerned, the same applies to the non-teaching employees “appointed by the University”. In the present case, the appointment of the appellant is by the Institute and it is not been shown by the appellant that the appellant was in fact appointed by the University. The application of the Statute to the appellant is, therefore, not made out.

15. Accordingly, we find no merit in the present appeal. The same is dismissed. In consonance with the impugned order, we leave it open



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to the appellant to avail of his remedies in accordance with law.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 15, 2025 /Pr/Kz/VS

Click here to check corrigendum, if any