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

+ W.P.(C) 8874/2024

SHARMISHTHAA ATREJA

..... Petitioner

Through: Dr. Amit George, Mr. Dhiraj Philip,
Mr. Febin Varghese, Ms. Namkata
Mohapatra, Ms. Lija Merin John, Ms.
Srishti Aggarwal, Mr. Dushyant Kaul,
Advocates.

versus

UNIVERSITY OF DELHI & ORS.

..... Respondents

Through: Mr. Mohinder Rupal, Mr. Hardik
Rupal, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **02.07.2024**

**CM APPL. 36063/2024 (Exemption from filing original, clearer typed
copies of documents)**

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CM APPL. 36062/2024 (For ex-parte ad interim Stay)

4. The Petitioner, a 100% visually impaired Assistant Professor at University of Delhi/Respondent No.1, had earlier filed W.P.(C) 13659/2023 impugning the demand letter dated 3rd October, 2023 which was later modified by letter dated 11th October, 2023. Through these letters, a demand



of a total sum of Rs. 6,74,100/- was raised on the Petitioner for the period commencing from 1st August, 2021 to 30th September, 2023.

5. While considering the said petition, this Court through order dated 13th February, 2024 permitted the Petitioner to file a representation with Respondent No.1, who was then directed to take a sympathetic view in light of the visual impairment of the Petitioner.

6. In terms of the said directions, Respondent No.2 through order dated 7th June, 2024 held that the Petitioner is liable to pay a total outstanding amount of Rs. 6,66,078/- (50% of the total outstanding amount of Rs. 13,32,155/-) for the period commencing from 6th August, 2021 to 27th March, 2024, after making all adjustments of the amounts deducted from the salary of the Petitioner. Through the present petition, the Petitioner now challenges the said order of 7th June, 2024.

7. Counsel for the Petitioner argues that the impugned order has raised an unjustified and arbitrary license fee of Rs. 1840/- per month which is without any basis.

8. It is further contended that the demand raised by the impugned order is arbitrary as there is no breakup or quantification of the said demand. It is also argued that that the Respondents are bound to provide reasonable accommodation to the Petitioner under the mandate of the Rights of Persons with Disabilities Act, 2016 and, therefore, the Petitioner could not have been said to be in unauthorized occupation of the accommodation No. A-2/1, Ground Floor at Under Graduate Hostel for Girls, University of Delhi. Additionally, it is pointed out that in terms of the said demand, an amount of INR 33,885/- has also been recovered from the Petitioner's salary.

9. Mr. Mohinder Rupal, on the other hand, objects to the maintainability



of the instant application and submits that the Petitioner cannot question the quantification of the demand under Article 226 of the Constitution of India, 1950 as this Court did not grant liberty to challenge the decision of the representation in terms of order dated 13th February, 2024. He further submits that the Petitioner was not entitled to the accommodation and, as she was in unauthorized occupation. Thus, the impugned demand is reasonable and in accordance with law.

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10. Issue notice. Mr. Mohinder Rupal, counsel for Respondent No.1, accepts notice.

11. Counter affidavit be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

12. Considering the afore-noted circumstances, till the next date of hearing, no further coercive action shall be taken by the Respondents in terms of order dated 7th June, 2024.

13. Re-notify on 01st October, 2024.

SANJEEV NARULA, J

JULY 2, 2024/ab